

**EXECUTIVE SESSION**



**City Council Meeting Minutes  
January 9, 2023**

**CALL TO ORDER**

Mayor Walsh called the meeting to order at 4:30 p.m. on Monday January 9, 2023.

Council Members present: Steve Gorman, Chad Hannan, Chris Peterson and Roger Sandau.

Council Member present via zoom: Joe Disalvo

Staff present: Brandon Garrett, Jodi Quakenbush and Richard Wade.

**CONSENT AGENDA**

Roger Sandau and Chad Hannan moved and seconded approval of amended Consent Agenda, removing items 7A and 5F from agenda. Unanimous, 5-0 vote.

Approval of Agenda and tape recordings of these proceedings to be incorporated into the official minutes.

Reading, correction and approval of the December 19, 2022 City Council Meeting Minutes.

**Resolution 23-02**

Resolution accepting the work of Scales Sales & Service for the Recycling Center Scale Purchase and Installation Project Phase I A. Project # 2021-168

**Resolution 23-03**

Resolution setting a public hearing for January 23, 2023 at 7:00 p.m. for the Steven Road West, Norwood Drive to State Orchard Road, Woodlands Deed Restriction. Project #PW22-16

**Resolution 23-04**

Resolution of intent to dispose of and setting a Public Hearing for January 23, 2023 at 7:00 p.m. for City property described as a portion of Block 31, Riddle's Subdivision and a portion of vacated South 9th Street right-of-way, more specifically described in the Council packet. Location: A strip of land lying between 827 9th Avenue and 922 South 8th Street. OTB-23-001

#### Resolution 23-05

Resolution of necessity and intent and setting a Public Hearing for February 13, 2023 at 7:00 p.m. to amend the Council Pointe Road Urban Revitalization Area. Location: 4802 Council Pointe Road. URV-23-001

#### Claims

### **MAYORS PROCLAMATIONS**

### **PUBLIC HEARINGS**

#### Amended Ordinance 6528

Ordinance 6528 to amend Chapter 15.16, C-3/Commercial District by amending Section 15.16.060 "Additional Regulations." ZT-22-008

Steve Gorman and Chris Peterson moved and seconded approval of Second consideration of Amended Ordinance 6528. Third consideration to be held January 23, 2023. Unanimous, 5-0 vote.

#### Resolution 23-06

Resolution approving the plans, specifications, form of contract, and cost estimate for the UP Museum Exterior Handrails and Fire Escapes Project. Project #BM-23-04

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 23-06. Unanimous, 5-0 vote.

#### Resolution 23-07

Resolution granting approval of a temporary use permit to operate a 'warming center' on property legally described as Lots 354 through 356 along with the north 1/2 of the vacated east/west alley adjacent, Belmont Addition. Location: 1607 Avenue I. TU-22-005

Heard from Brandy Waller, 1435 N. 16th Street  
Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 23-07. Unanimous, 5-0 vote.

Resolution 23-08

Resolution continuing the Public Hearing for the Urban Revitalization Plan for the Amended Veterans Memorial Highway Urban Revitalization Area. URV-22-010

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 23-08. Unanimous, 5-0 vote.

**RESOLUTIONS**

Resolution 23-09

Resolution accepting the bid of Judds Bros. Construction Co. for the Avenue F Emergency Sanitary Sewer Repair. Project # PW23-27

Roger Sandau and Chris Peterson moved and seconded approval of Resolution 23-09. Unanimous, 5-0 vote.

Resolution 23-10

Resolution authorizing the Mayor to execute a Grant Agreement with The Recycling Partnership, Inc.

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 23-10. Unanimous, 5-0 vote.

Resolution 23-11

Resolution abolishing one Division Secretary position and creating the position of Solid Waste Support Specialist.

Chad Hannan and Steve Gorman moved and seconded approval of Resolution 23-11. Unanimous, 5-0 vote.

Resolution 23-12

Resolution accepting the bid of Hawkins Construction Co. for the South Expressway Reconstruction, Phase I. Project # PW22-17

Chad Hannan and Roger Sandau moved and seconded approval of Resolution 23-12. Unanimous, 5-0 vote.

Resolution 23-13

Resolution granting an 18-month extension of time for Avalos Construction, LLC to construct a residential dwelling on property formerly owned by the City of Council Bluffs, being legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition. Location: Undeveloped land at the northeast corner of the intersection of S. 17th Street and 7th Avenue. OTB-20-016

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 23-13. Unanimous, 5-0 vote.

Resolution 23-14

Resolution authorizing the City Legal Department to proceed as proposed in executive session held January 9, 2023.

Resolution 23-14 removed from the agenda. No action taken.

## **APPLICATIONS FOR PERMITS AND CANCELLATIONS**

### **Liquor Licenses**

1. AMC Theatres Council Bluffs 17, 3220 23rd Avenue
2. Andrews Lounge, 1210 N 25th Street
3. Driftwood Inn, 2701 Harry Langdon Blvd
4. The Grass Wagon, 110 S 29th Street
5. Hampton Inn @ Ameristar, 2204 River Road
6. Holiday Inn Express & Suites, 2211 S 32nd Street
7. I 80 Liquor 2411 S 24th Street, #1
8. Kwik Shop #527, 3632 Avenue G
9. Pottawattamie Arts, Culture & Entertainment (PACE), 1001 S 6th Street
10. Whistle's Pub & Grub, 807 S 21st Street

### **Salvage/Storage Yard License Applications**

Chad Hannan and Chris Peterson moved and seconded approval of Applications for permits and cancellations, Items 6A 1-10 and 6B. Unanimous, 5-0 vote.

## **OTHER BUSINESS**

Request to waive fees by Pottawattamie County

Item removed from the agenda. No action taken.

## **CITIZENS REQUEST TO BE HEARD**

## **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 4:44 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk



## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by: Jodi Quakenbush

Approval of Agenda and tape recordings of  
these proceedings to be incorporated into the  
official minutes.  
ITEM 3.A.

Council Action: 1/9/2023

<b>Description</b>
<b>Background/Discussion</b>
<b>Recommendation</b>

## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by: Jodi Quakenbush

Reading, correction and approval of the  
December 19, 2022 City Council Meeting  
Minutes.  
ITEM 3.B.

Council Action: 1/9/2023

<b>Description</b>
<b>Background/Discussion</b>
<b>Recommendation</b>

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">12-19-22 M</a>	Minutes	12/21/2022



## **City Council Meeting Minutes December 19, 2022**

### **CALL TO ORDER**

Mayor Walsh called the meeting to order at 7:00 p.m. on Monday December 19, 2022.

Council Members present: Joe Disalvo, Steve Gorman, Chad Hannan and Roger Sandau.

Council Member absent: Chris Peterson.

Staff present: Brandon Garrett, Jodi Quakenbush and Richard Wade.

### **CONSENT AGENDA**

Approval of Agenda and tape recordings of these proceedings to be incorporated into the official minutes.

Reading, correction and approval of the November 28, 2022 City Council Meeting Minutes.

Resolution 22-320

Resolution setting a public hearing for 7:00 p.m. on January 9, 2023 on the plans, specifications, form of contract, and cost estimate for the UP Museum Exterior Handrails and Fire Escapes Project. Project #BM-23-04

Resolution 22-322

Resolution accepting the work of Black Hawk Roof Company as complete and authorizing the release of retainage after 30 days if no claims are filed in connection with the Mid-America Center Roof Replacement Project, Phase 2. Project # BM-22-02

Resolution 22-323

Resolution accepting the work of Peterson Contractors, Inc. as complete and authorizing release of retainage after 30 days if no claims are filed in connection with the Levee Certification Project, Geotechnical MR\_3 and MR\_4. Project #FY21-06C

Resolution 22-325

Resolution authorizing transfers between funds under Iowa Code 545-2 for FY23

Amended Ordinance 6528

Ordinance 6528 to amend Chapter 15.16, C-3/Commercial District and setting a Public Hearing for January 9, 2023 at 7:00 p.m. by amending Section 15.16.060 "Additional Regulations." ZT-22-008

Mayor's Appointment

Community Development Advisory Commission

September 2022 Financial Reports, Council Bluffs Water Works Budget (R&F), Claims and Lawsuit

Roger Sandau and Steve Gorman moved and seconded approval of Consent Agenda. Unanimous, 4-0 vote. (Absent: Peterson)

## **PUBLIC HEARINGS**

### **Ordinance 6530**

Ordinance to amend the zoning map as adopted by reference in Section 15.27.020, by rezoning property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition, from A-2/Parks, Estates, and Agricultural District and I-1/Light Industrial District to P-I/Planned Industrial District as set forth and defined in Chapter 15.19. Location: 1104 2nd Avenue. ZC-22-007 and PI-22-001

Steve Gorman and Roger Sandau moved and seconded approval of Second Consideration of Ordinance 6530. Unanimous, 4-0 vote. (Absent: Peterson)

Chad Hannan and Roger Sandau moved and seconded approval of Motion to waive Third Consideration of Ordinance 6530. Ordinance passes to law. Unanimous, 4-0 vote. (Absent: Peterson)

### **Ordinance 6531**

Ordinance to amend Chapter 15.28, Development Plan Review Procedure (Zoning Ordinance) by amending Section 15.28.060 to provide clarity on the process for adopting a P-R/Planned Residential Development Plan. ZT-22-009

Steve Gorman and Joe Disalvo moved and seconded approval of Second Consideration of Ordinance 6531. Unanimous, 4-0 vote. (Absent: Peterson)  
Chad Hannan and Steve Gorman moved and seconded approval of Motion to waive Third Consideration of Ordinance 6531. Ordinance passes to law. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-326

Resolution approving the plans, specifications, form of contract, and cost estimate for the Mid-America Center Roof Replacement Project, Phase 3. Project # BM-23-01

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 22-326. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-329

Resolution granting final plat approval of a four-lot minor subdivision to be known as the Legacy Family Campus Subdivision Phase 3, legally described as being a replat of Lot 1, Legacy Family Campus Subdivision Phase 2. Location: Undeveloped land lying between Ave J, Ruth Nelson Road, North 14th St, and the north-south walkway in the Charles E. Lakin Human Services Campus. SUB-22-015

Heard from Megan Wolf, with Olsen, 211 South 67th Street, Suite 200, Omaha.

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 22-329. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-330

Resolution approving the City of Council Bluffs FY24-FY28 Capital Improvement Program (CIP).

Chad Hannan and Roger Sandau moved and seconded approval of Resolution 22-330, as amended to remove project PW24-23 from the CIP. Unanimous, 3-1 vote. (Nays: Disalvo) (Absent: Peterson)

**ORDINANCES ON 2ND READING**

Ordinance 6532

Ordinance establishing the establishing the Black Squirrel Flats Urban Revitalization Area within the City of Council Bluffs. Location: Undeveloped property located at the northwest corner of S. 34th Street and 12th Avenue. URV-22-009

Roger Sandau and Chad Hannan moved and seconded approval of Second Consideration of Ordinance 6532. Unanimous, 4-0 vote. (Absent: Peterson)

Chad Hannan and Joe Disalvo moved and seconded approval of Motion to waive Third Consideration of Ordinance 6532. Ordinance passes to law. Unanimous, 4-0 vote. (Absent: Peterson)

#### Ordinance 6533

Ordinance establishing the Whispering Oaks Urban Revitalization Area. Location: the intersection of Greenview Road and Franklin Avenue. URV-22-008

Chad Hannan and Steve Gorman moved and seconded approval of Second Consideration of Ordinance 6533. Unanimous, 4-0 vote. (Absent: Peterson)

Chad Hannan and Roger Sandau moved and seconded approval of Motion to waive Third Consideration of Ordinance 6533. Ordinance passes to law. Unanimous, 4-0 vote. (Absent: Peterson)

#### Ordinances 6534 through 6540

Ordinances 6534 through 6540 to repeal Urban Revitalization plans and areas for; the Peterson School; Indian Creek South; Bluff Street; South 4th Street; Pine Ridge; Hawkeye Heights and Gunn School.

Steve Gorman and Chad Hannan moved and seconded approval of Second Consideration of Ordinances 6534 through 6540. Unanimous, 4-0 vote. (Absent: Peterson)

Chad Hannan and Joe Disalvo moved and seconded approval of Motion to waive Third Consideration of Ordinances 6534 through 6540. Ordinances passes to law. Unanimous, 4-0 vote. (Absent: Peterson)

### **RESOLUTIONS**

#### Resolution 22-327

Resolution accepting the bid of Muth Electric Inc. in the amount of \$152,035.00 for the Mid-America Center Ballroom and Pre-Function Lighting. Project #BM-23-03

Steve Gorman and Joe Disalvo moved and seconded approval of Resolution 22-327. Unanimous, 4-0 vote. (Absent: Peterson)

#### Resolution 22-328

Resolution authorizing the mayor to execute an agreement with Ehrhart Griffin & Associates for engineering services in connection with the East Manawa Sewer Rehab, Phase XII. Project # PW24-09

Roger Sandau and Steve Gorman moved and seconded approval of Resolution 22-328. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-331

Resolution approving the abolishment of the Communications Officer position and the creation of the Communications and Events Manager position.

Chad Hannan and Roger Sandau moved and seconded approval of Resolution 22-331. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-332

Resolution adopting the Planned Industrial development plan on property legally described as being part of Lots 1, 2, 3, 4, 7, 8, 9 and 10 (including the abutting vacated alley), all in Block 12, Beer's Addition along with part of Lots 1, 2, 7, 8, 9 and 10, (including the abutting vacated alley), all in Block 9, Beer's Addition, along with part of vacated First Avenue between Blocks 9 and 12, Beer's Addition. Location: 1104 2nd Avenue. PI-22-001

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 22-332. Unanimous, 4-0 vote. (Absent: Peterson)

Resolution 22-333

Resolution approving the Policy 713-Work-Related Injury Reporting.

Chad Hannan and Joe Disalvo moved and seconded approval of Resolution 22-333. Unanimous, 4-0 vote. (Absent: Peterson)

**APPLICATIONS FOR PERMITS AND CANCELLATIONS**

Salvage and Storage Yard Applications

Liquor Licenses: 1) Pizza King, 1101 N Broadway; 2) St. Patrick's Catholic Church, 4 Valley View Drive; 3) 712, 1851 Madison Avenue, Ste 700; 4) Speedy Gas N Shop, 430 S 35th Street, Ste 1; 5) Target Store T-2454, 3804 Metro Drive; 6) Wal-Mart #3150, 1800 N 16th Street

Chad Hannan and Joe Disalvo moved and seconded approval of Applications for permits and cancellations Items 7A & 7B 1-6. Unanimous, 4-0 vote. (Absent: Peterson)

Liquor Licenses

1. Ameristar Casino, 2200 River Road

Roger Sandau and Joe Disalvo moved and seconded approval of Applications for Permits and Cancellations 7C. Voice Vote, 3-0 vote. (Abstain: Hannan) (Absent: Peterson)

## **CITIZENS REQUEST TO BE HEARD**

Heard from James Myers, 2754 Avenue D

## **ADJOURNMENT**

Mayor Walsh adjourned the meeting at 7:29 p.m.

The tape recording of this proceeding, though not transcribed, is part of the record of each respective action of the City Council. The tape recording of this proceeding is incorporated into these official minutes of this Council meeting as if they were transcribed herein.

Matthew J. Walsh, Mayor

Attest: Jodi Quakenbush, City Clerk



## Council Communication

Department: Public Works Admin  
Case/Project No.: 2021-168  
Submitted by: Tony Fiala, Solid Waste  
Management Superintendent

Resolution 23-02  
ITEM 3.C.

Council Action: 1/9/2023

### Description

Resolution accepting the work of Scales Sales & Service for the Recycling Center Scale Purchase and Installation Project Phase I A. Project # 2021-168

### Background/Discussion

The Recycling Center scale was installed in 1997, the year the Recycling Center was opened. It was near the end of its useful life.

In the first few years of operation, annual traffic averaged 16,000 vehicles. In 2020, nearly 54,000 vehicles utilized the facility.

The purchase and installation of this scale allowed for the redesign of the facility entrance. The operation with the new design will open both gates for separate inbound and outbound traffic through each gate. This new scale will function as the inbound traffic scale while utilizing the existing scale for outbound traffic.

Phase two of the project is the removal of the old 1997 scale and replacement with a new outbound scale.

These two projects enhance safety by eliminating issues caused by crossing traffic patterns and reduce bottlenecks at the entrance of the facility.

The total construction cost for this project was \$147,145.00. The project was included in the Recycling Center Operating Budget.

#### Total

Original Contract Amount	\$147,145.00
Change Orders (0%)	\$0.00
Final Contract Amount	\$147,145.00
Less Previous Payments	\$139,787.75
Retainage Due Contractor	\$7,357.25

### Recommendation

Approval of this resolution. This project helps to enhance safety at the entrance of the Recycling Center facility.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Resolution 23-02</a>	Resolution	1/4/2023

**RESOLUTION NO. 23-02**

**RESOLUTION ACCEPTING THE WORK OF  
SCALES SALES & SERVICE IN CONNECTION WITH THE  
RECYCLING CENTER SCALE PURCHASE  
AND INSTALLATION PROJECT PHASE 1A  
AND AUTHORIZING THE FINANCE DIRECTOR TO ISSUE  
A CITY CHECK IN THE AMOUNT OF \$7,357.25  
PROJECT # 2021-168**

- WHEREAS, the City of Council Bluffs, Iowa, entered into an agreement with Scales Sales & Service for the Recycling Center Scale Improvement Purchase and Installation Project Phase I A; and
- WHEREAS, said contractor has fully completed the construction of said improvements in accordance with the terms and conditions of said contract and plans and specifications filed with the city clerk; and
- WHEREAS, a request for final payment in the amount of \$7,357.25 to Scales Sales & Service has been submitted to the city Council for approval and payment; and
- WHEREAS, final payment is due 30 days after acceptance of the work; and
- WHEREAS, the city council of the City of Council Bluffs has been advised and does believe that said \$7,357.25 constitutes a valid obligation of the City and should in its best interest be paid.

**NOW, THEREFORE BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

Said improvements are hereby accepted as having been fully completed in accordance with plans and specifications.

**AND BE IT FURTHER RESOLVED**

That the finance director is hereby authorized and directed to issue a city check in the amount of \$7,357.25 payable to Scales Sales & Service from budget code R08420-631000; Project # 2021-168.

**ADOPTED  
AND  
APPROVED**

January 9, 2023

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Matthew J. Walsh, Mayor

**ATTEST:**

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Jodi Quakenbush, City Clerk

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW22-16  
Submitted by: Matthew Cox, Public Works  
Director

Resolution 23-03  
ITEM 3.D.

Council Action: 1/9/2023

### Description

Resolution setting a public hearing for January 23, 2023 at 7:00 p.m. for the Steven Road West, Norwood Drive to State Orchard Road, Woodlands Deed Restriction. Project #PW22-16

### Background/Discussion

The Steven Road West project will construct a new Steven Road segment from Norwood Drive to State Orchard Road. It was determined during the NEPA (National Environmental Policy Act) Re-evaluation that approximately 4.97 acres of woodlands will be impacted as part of the project. To meet mitigation requirements under Iowa DOT Policy 11A030, existing woodlands may be acquired and placed under a protective easement.

The deed restriction will protect and conserve existing wooded areas within City owned land at Cook Park (3.87 acres) and a portion of Graham Park (1.1 acre).

These areas were chosen because they are heavily wooded, and the City does not have to acquire additional property to satisfy the NEPA requirement.

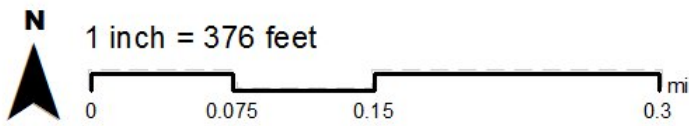
### Recommendation

Approval of this resolution for the Steven Road West project. The deed restriction will mitigate the NEPA requirement for preserving woodlands.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Aerial Exhibit</a>	Map	12/28/2022
<a href="#">Deed Restriction</a>	Other	12/28/2022
<a href="#">Notice of Public Hearing</a>	Notice	12/28/2022
<a href="#">Resolution 23-03</a>	Resolution	1/4/2023

## Public Works



### Disclaimer

This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly denies any and all responsibilities for errors, if any, in the information contained on this map or the misuse of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.

## **DEED RESTRICTION**

*That the City of Council Bluffs, Iowa*, hereafter "grantor" and "holder," a municipal corporation in the County of Pottawattamie and State of Iowa, by its Mayor thereunto duly authorized, enters into this deed restriction for the purpose of subjecting the property described below to certain activity and use limitations in accordance with the terms and conditions as specified herein. Such restrictions are to prevent incompatible usage as required for woodland mitigation purposes described in Iowa Code 314.23, associated with the Steven Road West Project, City Project Number PW22-16, Iowa DOT Project Number HDP-1642(685)-71-78. The intent of the deed restriction is to preserve the existing woodland areas of the affected properties described below.

### **1. Affected Property.**

*See Attached Exhibit A*

### **2. Identity of Grantor and Holder:**

<b>GRANTOR:</b>	City of Council Bluffs, Iowa
<b>HOLDER:</b>	City of Council Bluffs, Iowa

### **3. Representations and Warranties.**

The grantor warrants to the other signatories to this covenant the following:

- A. The grantor is the sole fee title owner of the property;
- B. The grantor holds sufficient fee title to the property to grant the rights and interests described in this covenant free of any conflicting legal and equitable claims.

### **4. Running with the Land.**

This deed restriction shall be deemed to run with the land and shall be binding on Grantor and on Grantor's successors and assigns.

### **5. Restrictions to Prevent Incompatible Uses.**

The property described in paragraph 1 above shall be subject to the following restrictions:

- A. There shall be no timbering, tree removal or other agricultural activities on the property except for those required for safety purposes of the woodland.
- B. Grantor shall be responsible for compliance with all state and local laws governing the safety and maintenance of the property.

### **6. Effective Date.**

The effective date of this deed restriction shall be the date upon which the fully executed deed restriction has been properly recorded with the Pottawattamie County Recorder's Office.

**KNOWLEDGEMENTS**

**GRANTOR**

\_\_\_\_\_ Dated this \_\_\_\_ day of \_\_\_\_\_, 2023  
MATTHEW J. WALSH, Mayor  
City of Council Bluffs, Iowa

STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned, a Notary Public in and for said County and State, personally appeared Matthew J. Walsh, to me personally known, who, being by me duly sworn, did say that they are the Mayor, respectively, of the said City of Council Bluffs, Iowa, a municipal corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh, as such officer, acknowledge the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for said State

**HOLDER**

\_\_\_\_\_ Dated this \_\_\_\_ day of \_\_\_\_\_, 2023  
MATTHEW J. WALSH, Mayor  
City of Council Bluffs, Iowa

STATE OF IOWA )  
COUNTY OF POTTAWATTAMIE ) ss.

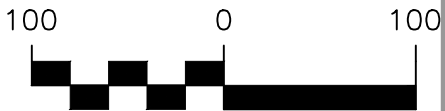
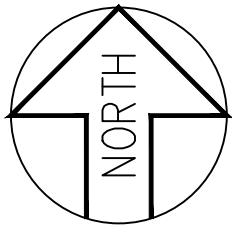
On this \_\_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned, a Notary Public in and for said County and State, personally appeared Matthew J. Walsh, to me personally known, who, being by me duly sworn, did say that they are the Mayor, respectively, of the said City of Council Bluffs, Iowa, a municipal corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh, as such officer, acknowledge the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for said State



WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA

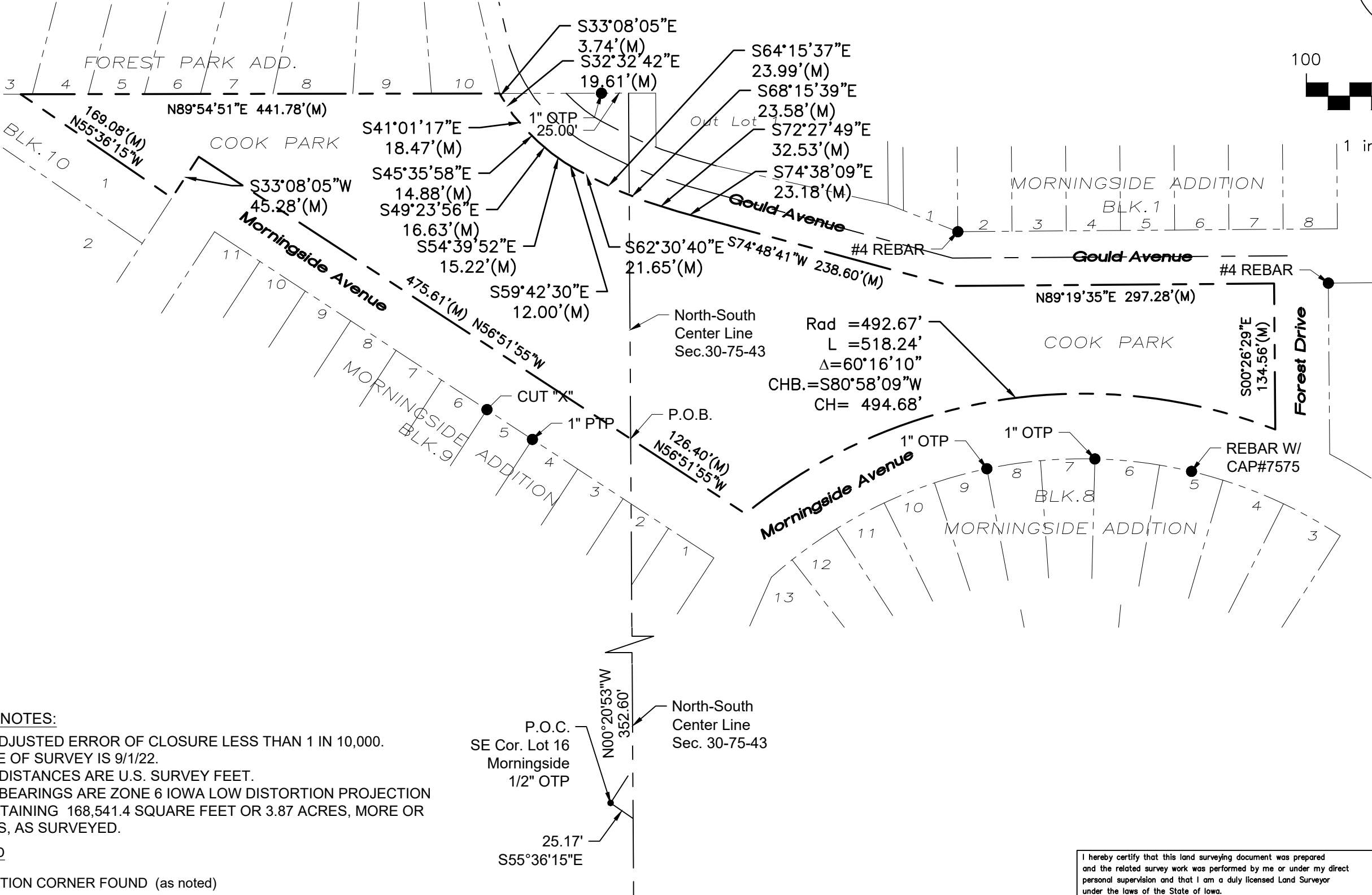


1 inch = 100 ft.



Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122 (402)-573-2205 www.rwmidwest.com Owner:

COOK PARK  
COUNCIL BLUFFS, IA



SURVEY NOTES:

1. UNADJUSTED ERROR OF CLOSURE LESS THAN 1 IN 10,000.
2. DATE OF SURVEY IS 9/1/22.
3. ALL DISTANCES ARE U.S. SURVEY FEET.
4. ALL BEARINGS ARE ZONE 6 IOWA LOW DISTORTION PROJECTION
5. CONTAINING 168,541.4 SQUARE FEET OR 3.87 ACRES, MORE OR LESS, AS SURVEYED.

LEGEND

- ▲ SECTION CORNER FOUND (as noted)
- CORNER FOUND (as noted)
- CORNER SET (#4 Rebar w/Cap #18370)
- P PLAT DIMENSION
- R RECORD DIMENSION
- M MEASURED DIMENSION

AREA AS SURVEYED:



= COOK PARK WOODLAND MITIGATION PARCEL

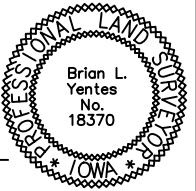
TOTAL = 168,541.4 SQ.FT. (3.87 AC.) MORE OR LESS

I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signed Brian L. Yentes

Date 11/4/2022

Brian L. Yentes, P.L.S.  
Iowa License No. 18370  
My license renewal date is December 31, 2022  
Pages or Sheets covered under this seal:



DRAWING INFO

BOUNDARY  
EXHIBIT

PROJECT INFO

PROJECT NO: 22-2330  
DATE: 11/11/2022  
DESIGNED BY:  
DRAWN BY: BLY  
CHECKED BY: CJG

REVISION DATE

SHEET

1 of 2

# WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA

LEGAL DESCRIPTION:

That part of Graham Park in Morningside Addition as platted and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows: Commencing at the southwest corner of Lot 16 of said Morningside Addition; thence S55°36'15″E (all bearings referenced to Zone6 of the Iowa Regional Coordinate System) a distance of 25.17 feet along the south line of said Lot 16 to the north-south center line of Section 30, Township 75 North, Range 43 West of the 5<sup>th</sup> P.M., thence S00°20'53″E a distance of 72.92 feet along said north-south center line to the south right-of-way of Frank Street to theThat part of Cook Park in Morningside Addition as platted and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows:

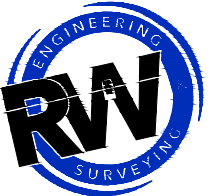
Commencing at the southwest corner of Lot 16 of said Morningside Addition; thence S55°36'15″W (all bearings referenced to Zone6 of the Iowa Regional Coordinate System) a distance of 25.17 feet along the south line of said Lot 16 to the north-south center line of Section 30, Township 75 North, Range 43 West of the 5<sup>th</sup> P.M., thence N00°20'53″W a distance of 352.60 feet along said north-south center line to the north right-of-way of Morningside Avenue to the point of beginning; thence N56°51'55″W a distance of 475.61 feet along said north right-of-way to the west right-of-way of Morningside Avenue; thence S33°08'05″W a distance of 45.28 feet along said west right-of-way to the north line of Lot 1 of Morningside Addition; thence N55°36'15″W a distance of 169.08' along said north line to the north line of Cook Park in Morningside Addition, said north line also being the south line of Forest Park Addition; thence N89°54'51″E a distance of 441.78 feet along said south line of Forest Park Addition to the west right-of-way of Gould Avenue; thence along said west right-of-way the following 14 courses:

- 1. S28°25'34″E a distance of 3.74 feet;
- 2. S32°32'42″E a distance of 19.61 feet;
- 3. S41°01'17″E a distance of 18.47 feet;
- 4. S45°35'58″E a distance of 14.88 feet;
- 5. S49°23'56″E a distance of 16.63 feet;
- 6. S54°39'52″E a distance of 15.22 feet;
- 7. S59°42'30″E a distance of 12.00 feet;
- 8. S62°30'40″E a distance of 21.65 feet;
- 9. S64°15'37″E a distance of 23.99 feet;
- 10. S68°15'39″E a distance of 23.58 feet;
- 11. S72°27'49″E a distance of 32.53 feet;
- 12. S74°38'09″E a distance of 23.18 feet;
- 13. S74°48'41″E a distance of 238.60 feet;
- 14. N89°33'31″E a distance of 297.28 feet to the west right-of-way of Forest Drive;

thence S00°26'29″E a distance of 134.56 feet along said west right-of-way to the north right-of-way of Morningside Avenue to a point of intersection; thence along a non-tangent curve to the left a distance of 518.24 feet, with a radius of 492.67 feet and a central angle of 60°16'10″, a chord which bears S80°58'09″W a distance of 494.68 feet along said north right-of-way to a point of intersection; thence N56°51'55″W a distance of 126.40' along said north right-of-way to the point of beginning.

Containing 168,541.4 square feet or 3.87 acres more or less.

Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122 (402)-573-2205 www.rwmidwest.com  
Owner:



GRAHAM AND COOK PARKS  
DOUGLAS COUNTY, NEBRASKA

DRAWING INFO

BOUNDARY  
SURVEY

PROJECT INFO

PROJECT NO: 22-2330  
DATE: 11/11/2022  
DESIGNED BY:  
DRAWN BY: BLY  
CHECKED BY: CJG

REVISION DATE

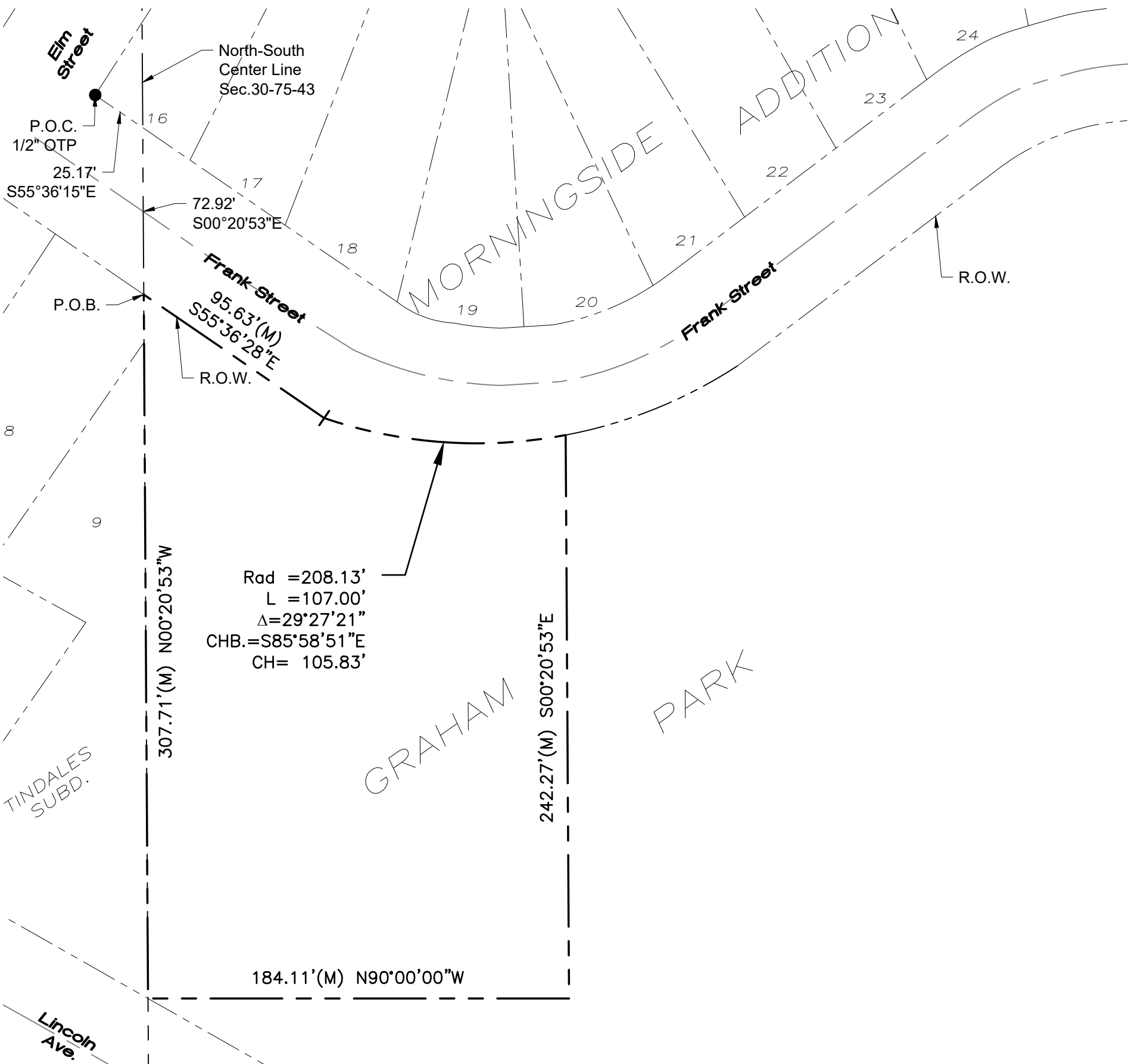
SHEET

1 of 2



WOODLAND MITIGATION EXHIBIT

FOR THE CITY OF COUNCIL BLUFF, IOWA




SURVEY NOTES:

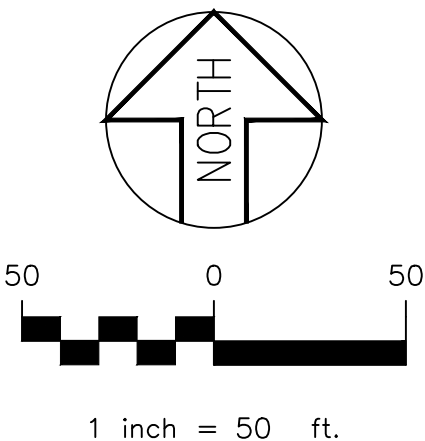
1. UNADJUSTED ERROR OF CLOSURE LESS THAN 1 IN 10,000.
2. DATE OF SURVEY IS 9/1/22.
3. ALL DISTANCES ARE U.S. SURVEY FEET.
4. ALL BEARINGS ARE ZONE 6 IOWA LOW DISTORTION PROJECTION
5. CONTAINING 47,951.8 SQUARE FEET OR 1.10 ACRES, MORE OR LESS, AS SURVEYED.
6. LACK OF EXISTING FOUND MONUMENTATION NECESSITATED THE NEED USE THE CENTERLINE OF ROAD PAVEMENT TO ESTABLISH ROAD RIGHT-OF-WAY.

LEGEND

- ▲ SECTION CORNER FOUND (as noted)
- CORNER FOUND (as noted)
- CORNER SET (#4 Rebar w/Cap #18370)
- P PLAT DIMENSION
- R RECORD DIMENSION
- M MEASURED DIMENSION

AREA AS SURVEYED:

 = GRAHAM PARK WOODLAND MITIGATION PARCEL  
TOTAL = 47,951.8 SQ.FT. (1.10 AC.) MORE OR LESS

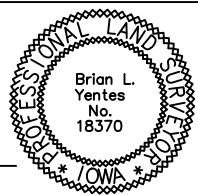


I hereby certify that this land surveying document was prepared and the related survey work was performed by me or under my direct personal supervision and that I am a duly licensed Land Surveyor under the laws of the State of Iowa.

Signed Brian L. Yentes

Date 11/4/2022

Brian L. Yentes, P.L.S.  
Iowa License No. 18370  
My license renewal date is December 31, 2022  
Pages or Sheets covered under this seal:



Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122 (402)-573-2205 www.rwmidwest.com Owner:



GRAHAM PARK  
COUNCIL BLUFFS, IOWA

DRAWING INFO

BOUNDARY  
EXHIBIT

PROJECT INFO

PROJECT NO: 22-2330  
DATE: 11/4/2022  
DESIGNED BY: BLY  
DRAWN BY: CJB  
CHECKED BY: CJB

REVISION

CHANGED WOODLAND BOUNDARY 11-18-22

SHEET

1 of 2

# WOODLAND MITIGATION EXHIBIT

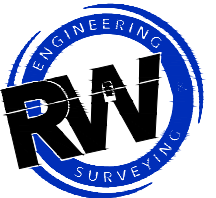
FOR THE CITY OF COUNCIL BLUFF, IOWA

LEGAL DESCRIPTION:

That part of Graham Park in Morningside Addition as platted and recorded in the City of Council Bluffs, Pottawattamie County, Iowa, more particularly described as follows: Commencing at the southwest corner of Lot 16 of said Morningside Addition; thence S55°36'15"E (all bearings referenced to Zone6 of the Iowa Regional Coordinate System) a distance of 25.17 feet along the south line of said Lot 16 to the north-south center line of Section 30, Township 75 North, Range 43 West of the 5<sup>th</sup> P.M., thence S00°20'53"E a distance of 72.92 feet along said north-south center line to the south right-of-way of Frank Street to the point of beginning; thence S55°36'28"E a distance of 95.63 feet along said south right-of-way to a point; thence along a non-tangent curve to the left a distance of 107.00 feet, with a radius of 208.13 feet and a central angle of 29°27'21", a chord which bears S85°58'51"E a distance of 105.83 feet along said south right-of-way to a point of intersection; thence S00°20'53"E a distance of 246.27 feet; thence N90°00'00"W a distance of 184.11 to said north-south center line; thence N00°20'53"W a distance of 307.71 feet along said north-south center line to the point of beginning.

Containing 47,951.8 square feet or 1.10 acres more or less.

Consultant: RW Engineering & Surveying, Inc. 7525 N 101st Street, Omaha, NE 68122  
(402)-573-2205  
www.rwmidwest.com  
Owner:



GRAHAM PARK  
COUNCIL BLUFFS, IOWA

DRAWING INFO

BOUNDARY  
EXHIBIT

PROJECT INFO

PROJECT NO: 22-2330  
DATE: 11/4/2022  
DESIGNED BY:  
DRAWN BY: BLY  
CHECKED BY: CJG

REVISION DATE

SHEET

1 of 2

Notice of Public Hearing  
on the  
Woodland Deed Restriction  
for the  
Steven Road West, Norwood Drive to State Orchard Road  
Project # PW22-16

A public hearing will be held on January 23, 2023, at 7:00 p.m. in the council chambers of City Hall, 209 Pearl Street, Council Bluffs, Iowa, on the proposed woodland deed restriction to mitigate impacts to the woodlands along the Steven Road West project. Cook Park and a portion of Graham Park will have a deed restriction placed on these properties to conserve and protect the existing woodlands. At said hearing, any interested person may appear and file objections to the deed restriction.

By Order of the City Council  
of the  
City of Council Bluffs, Iowa  
Jodi Quakenbush, City Clerk

**RESOLUTION**  
**NO 23-03**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
WOODLAND DEED RESTRICTION FOR  
STEVEN ROAD WEST, NORWOOD DRIVE TO STATE ORCHARD ROAD  
PROJECT #PW22-16**

- WHEREAS, the City wishes to make improvements known as Steven Road West, Norwood Drive to State Orchard Road, within the City, as therein described; and
- WHEREAS, the project will impact existing woodlands and mitigation is required under Iowa DOT Policy 11A030 as determined by the NEPA Re-evaluation.
- WHEREAS, 3.87 acres of Cook Park and 1.1 acre of Graham Park will be placed under a woodland deed restriction, conserving and protecting the woodlands on these properties.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the City Clerk is hereby ordered to set a public hearing on the woodland deed restriction for the Steven Road West, Norwood Drive to State Orchard Road project setting January 23, 2023, at 7:00 p.m. as the date and time of said hearing.

ADOPTED  
AND  
APPROVED

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush, City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: OTB-23-001  
Submitted by: Moises Monrroy, Planner

Resolution 23-04  
ITEM 3.E.

Council Action: 1/9/2023

<b>Description</b>  Resolution of intent to dispose of and setting a Public Hearing for January 23, 2023 at 7:00 p.m. for City property described as a portion of Block 31, Riddle's Subdivision and a portion of vacated South 9th Street right-of-way, more specifically described in the Council packet. Location: A strip of land lying between 827 9th Avenue and 922 South 8th Street. OTB-23-001
---

<b>Background/Discussion</b>  See attached staff report.
--

<b>Recommendation</b>
-----------------------

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	12/30/2022
<a href="#">Attachment A: Zoning/Location Case Map</a>	Map	12/30/2022
<a href="#">Attachment B: Plat of Survey</a>	Other	12/30/2022
<a href="#">Attachment C: Legal Description</a>	Legal Description	12/30/2022
<a href="#">Resolution 23-04</a>	Resolution	1/4/2023

### City Council Communication

Department: Community Development  CASE #OTB-23-001  Applicant: Brian and Alan Wickersham 922 South 8 <sup>th</sup> Street Council Bluffs, IA 51501	Reso. of Intent No. _____  Reso. to dispose No. _____	Set Public Hearing: 1/9/2023  Public Hearing: 1/23/2023
<b>Subject/Title</b>		
<p><b>Request:</b> Set public hearing on the request of Brian and Alan Wickersham to purchase City owned property legally described as a portion of Block 31, Riddle's Subdivision and a portion of vacated South 9<sup>th</sup> Street right-of-way, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'C.'</p> <p><b>Location:</b> A strip of land lying between 827 9<sup>th</sup> Avenue and 922 South 8<sup>th</sup> Street.</p>		
<b>Background/Discussion</b>		
<p>The City has received an offer from Brian and Alan Wickersham to purchase the property described in Attachment 'C.' The property is classified as 'transitional preserve' and 'future public use,' and consists of a strip of former Union Pacific Railroad right-of-way that lies between properties owned by the applicants (827 9<sup>th</sup> Avenue and 922 South 8<sup>th</sup> Street). The applicants intend to incorporate the subject property into their property at 922 South 8<sup>th</sup> Street.</p> <p>On September 4, 2003, the applicant offered a total sum of \$5,746.44 to purchase the subject property and submitted a down payment of \$574.64. For reasons unknown at this time, the applicant's offer to buy the subject property was not presented to City Council and the transaction was never completed. The purpose of this request is to complete the offer to buy process and sell the subject property to the applicant.</p> <p>All City departments and utility providers were notified of the request. The Public Works Department stated that they were opposed to the request as they have plans to acquire land north of 10<sup>th</sup> Avenue between South 8<sup>th</sup> Street and South 11<sup>th</sup> Street in order to expand their existing fleet maintenance operation. For this reason, the Community Development Department recommends denial of the request.</p>		
<b>Recommendation</b>		
<p>The Community Development Department recommends setting a public hearing on the disposal of the property legally described as a portion of Block 31, Riddle's Subdivision and a portion of vacated South 9<sup>th</sup> Street right-of-way, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment 'C,' on the January 23, 2023 City Council Meeting.</p>		
<b>Attachments</b>		
Attachment A: Zoning/Location Case Map Attachment B: Plat of Survey Attachment C: Legal Description		
Prepared by: Moises Monrroy, Planner, Community Development Department		

# CITY COUNCIL OF THE CITY OF COUNCIL BLUFFS

## CASE #OTB-23-001 LOCATION/ZONING MAP

### Legend

 Subject Property

0 20 40  
1 Inch = 42 Feet



Last Amended: 12/19/2022



Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

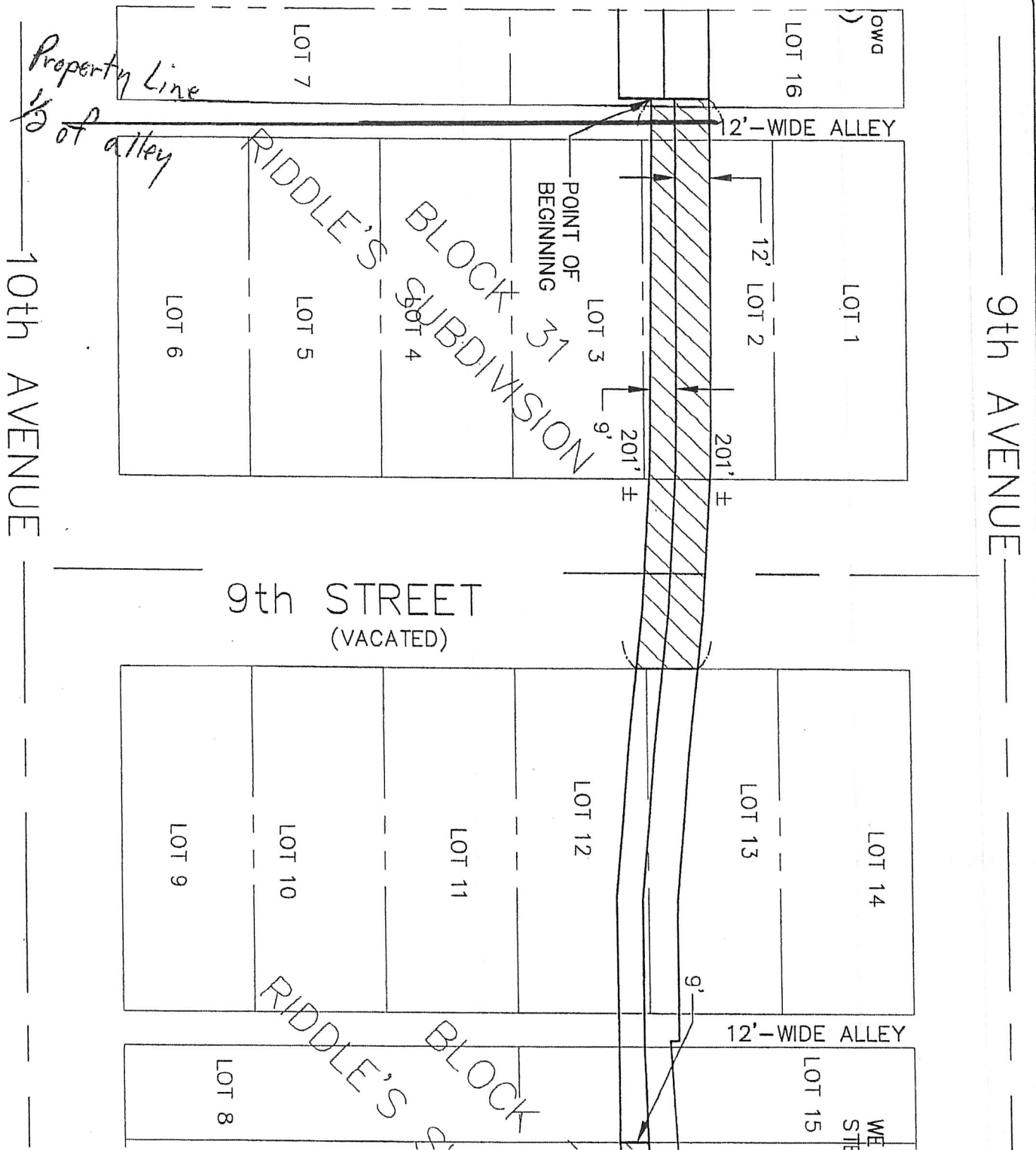
### DISCLAIMER

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AUG. '03 fb: hgm: 15110 CB93\HGM\CREW-WORK\15110002\DWG\PARCELS.DWG



Attn: Tina

From Brian Wickersham  
 @ 402/681-9755





## Attachment 'C'

"Exhibit A" - Ref. 10b

Sheet 2 of 2

A strip of land, 21.0 feet in width, being a portion of Block 31 in Riddle's Subdivision and a portion of vacated 9<sup>th</sup> Street in the City of Council Bluffs, Pottawattamie County, Iowa, bounded and described as follows:

Beginning at the northwest corner of a parcel of land as conveyed by the Chicago and North Western Transportation Company to Farm Service Company by Warranty Deed dated October 18, 1974, recorded in Book 74, Page 17377 Records of the Pottawattamie County Recorder;

thence northerly, along the northerly prolongation of the westerly line of said conveyed parcel, 21.0 feet to a point that is 12.0 feet normally distant northerly from the centerline of a railroad track as formally constructed and operated;

thence easterly, parallel with and/or concentric with said centerline of track, 201 feet, more or less, to a point on the easterly right-of-way line of said vacated 9<sup>th</sup> Street;

thence southerly, along said easterly right-of-way line, 21.0 feet to a point that is 9.0 feet normally distant southerly from said track centerline;

thence westerly, parallel with and/or concentric with said track centerline, 201 feet, more or less, to the Point of Beginning.

Said strip contains an area of 0.097 acre, more or less.

*Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261*  
*Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350*

---

**RESOLUTION NO. 23-04**

**A RESOLUTION OF INTENT TO DISPOSE OF CITY PROPERTY DESCRIBED AS A PORTION OF BLOCK 31, RIDDLE’S SUBDIVISION AND A PORTION OF VACATED SOUTH 9<sup>TH</sup> STREET RIGHT-OF-WAY, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** the City has received an offer from Brian and Alan Wickersham to purchase City owned property legally described as a portion of Block 31, Riddle’s Subdivision and a portion of vacated South 9<sup>th</sup> Street right-of-way, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment ‘C’ of the staff report.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City does hereby express its intent to dispose of City owned property legally described as a portion of Block 31, Riddle’s Subdivision and a portion of vacated South 9<sup>th</sup> Street right-of-way, City of Council Bluffs, Pottawattamie County, Iowa, being more particularly described in Attachment ‘C’ of the staff report; and

**BE IT FURTHER RESOLVED**

That a public hearing be scheduled for January 23, 2023.

ADOPTED

AND

APPROVED:

January 9, 2023.

\_\_\_\_\_  
Matthew J. Walsh,

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush,

\_\_\_\_\_  
City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: URV-23-001  
Submitted by: Marianne Collins, Housing &  
Economic Development Planner

Resolution 23-05  
ITEM 3.F.

Council Action: 1/9/2023

Description
Resolution of necessity and intent and setting a Public Hearing for February 13, 2023 at 7:00 p.m. to amend the Council Pointe Road Urban Revitalization Area. Location: 4802 Council Pointe Road. URV-23-001

Background/Discussion
See attached staff report.

Recommendation

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	12/30/2022
<a href="#">Attachment A – Boundary Map</a>	Map	12/30/2022
<a href="#">Attachment B – Draft Urban Revitalization Plan</a>	Other	12/30/2022
<a href="#">Resolution 23-05</a>	Resolution	1/4/2023

## Council Communication

Department: Community Development  CASE # URV-23-001	Resolution No. _____  Ordinance No. _____	Resolution of Intent: 1/09/2023 Planning Commission: 1/10/2023 Public Hearing & First Reading: 2/13/2023 2 <sup>nd</sup> Reading: 2/27/2023 3 <sup>rd</sup> Reading: Request to Waive
<b>Subject/Title</b>		
Resolution of necessity and intent to amend the Council Pointe Road Urban Revitalization Plan Location: 4802 Council Pointe Road.		
<b>Background/Discussion</b>		
<p><u>Background</u></p> <p>On February 12, 2018 the City Council adopted Resolution 22-43 approving the Council Pointe Road Urban Revitalization Plan. Subsequent to this action, Ordinance No. 6326 was adopted on April 9, 2018, which established the Urban Revitalization Area.</p> <p>The Community Development Department wishes to amend the Urban Revitalization Area by adding one additional parcel. This additional parcel will be developed by 92 Investments LLC.</p> <p><u>Discussion</u></p> <p>Iowa Code permits the City to establish urban revitalization areas which satisfy one of the five conditions outlined in Section 404.1. Staff believes this project meets the criteria under 404.1.2: An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.</p> <p>Staff has prepared a resolution of intent to amend the urban revitalization area. The resolution directs staff to amend the urban revitalization plan as required by the Iowa Code, notify property owners and occupants and set February 13, 2023 as a public hearing date. Concurrent with the adoption of the amended urban revitalization plan, an ordinance establishing the amended urban revitalization area can be considered. Upon adoption of the area, the City is permitted to grant tax abatement to qualified projects.</p> <p>If approved, the project as proposed could be eligible for either a full exemption from taxation for three years, or a ten year declining property tax abatement on the actual value added by the improvements.</p>		
<b>Recommendation</b>		
The Community Development Department recommends City Council adopt a resolution of necessity and intent to amend the Council Pointe Road Revitalization Area.		

## **Council Communication**

### **Attachments**

**Attachment A – Boundary Map**

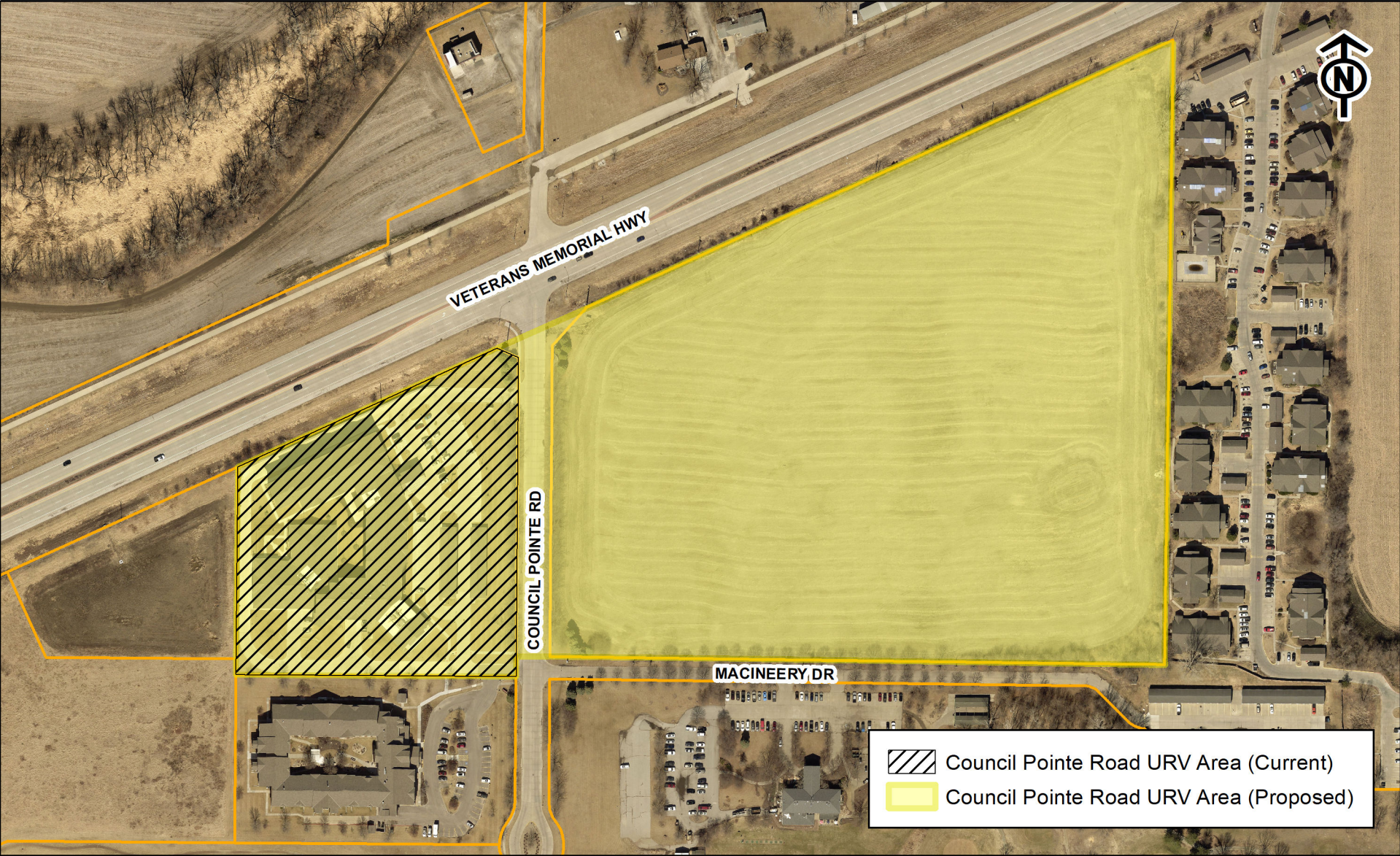
**Attachment B – Draft Amendment Council Pointe Road Urban Revitalization Plan**

Prepared by: Marianne Collins, Housing & Economic Development Planner, Community Development Department

Submitted by: Courtney Harter, Director Planning & Community Development, Community Development Department



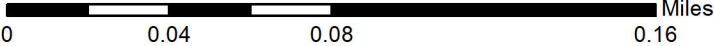
Attachment A



City of Council Bluffs  
Community Development Department  
209 Pearl Street, Council Bluffs, IA 51503  
Telephone: (712) 328.4629

**DISCLAIMER**  
This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City represents no warranty or responsibility for the accuracy of the information contained in this map of the nature of the same by the user. The user should verify the accuracy of information from sources on this map before using it. The City assumes no legal responsibility for the information contained on this map.

Last Updated: 12/29/22





# 2023 Amendment to the Council Pointe Road Urban Revitalization Plan



Prepared by  
Community Development Department  
City of Council Bluffs, Iowa

Original Area Adopted by  
City Council on April 9, 2018

Amended \_\_\_\_\_, 2023

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## **INTRODUCTION**

On April 9, 2018, the City of Council Bluffs City Council adopted Ordinance No. 6326, which established the Council Pointe Road Urban Revitalization Area. This revitalization area consisted of one parcel of land that was located south of Veterans Memorial Highway totaling 5.57 acres in size.

The newly proposed amendment will add one additional parcel to the existing Council Pointe Road Urban Revitalization Plan for a total of 27.16 acres.

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate the construction of commercial facilities providing elderly care and assisted housing in the community. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.

3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.

4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.”

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

In April 2018, the City of Council Bluffs adopted the Council Pointe Road Urban Revitalization Area under the criteria of element 4. The City now desires to amend the Plan and Area (herein referred to as the “Amended Plan” and “Amended Area”). Consequently, on January 9, 2023, the City Council adopted Resolution No. 23- , which directed staff to prepare an amended plan for the proposed revitalization area. Illustration 1 is the City Council Original Resolution.

**Council Pointe Road Urban Revitalization Plan**  
**Illustration 1 – Resolution**

---

**RESOLUTION NO. 18-43**

**A RESOLUTION OF NECESSITY AND INTENT TO ESTABLISH AN URBAN REVITALIZATION AREA LEGALLY DESCRIBED AS LOT 1, FOX RUN LANDING, REPLAT THREE, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

- WHEREAS, the subject area is an appropriate area as defined in Sections 404.1.4 of the Iowa Code; and
- WHEREAS, a proposal has been submitted for the construction of a commercial project on the vacant land; and
- WHEREAS, a plan for the area must be developed in accordance with Section 404.2 of the Iowa Code; and
- WHEREAS, thirty days notice of public hearing is required to be sent to all property owners and occupants within the area; and
- WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.4.

**BE IT FURTHER RESOLVED**


That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by March 16, 2018.


**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on March 26, 2018.

**ADOPTED  
AND  
APPROVED:**

February 12, 2018

  
Matthew J. Walsh Mayor

  
Jodi Quakenbush City Clerk

**ATTEST:**

---

**Council Pointe Road Urban Revitalization Area  
Illustration 2 – Amended Plan Resolution**

---

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF NECESSITY AND INTENT TO AMEND THE COUNCIL POINTE ROAD URBAN REVITALIZATION AREA.**

- WHEREAS, the subject area is an appropriate area as defined in Section 404.1.2 of the Iowa Code; and
- WHEREAS, on April 9, 2018, City Council adopted resolution No. 18-43 approving the Council Pointe Road Urban Revitalization Plan; and
- WHEREAS, the Community Development Department recommends amending the plan to add an additional parcel to the revitalization area; and
- WHEREAS, an amended plan must be developed in accordance with Section 404.2 of the Iowa Code; and
- WHEREAS, thirty days' notice of public hearing is required to be sent to all property owners and occupants within the area; and
- WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.2.

**BE IT FURTHER RESOLVED**

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than January 12, 2023.

**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on February 13, 2023.

**ADOPTED  
AND  
APPROVED:**

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jodi Quakenbush

\_\_\_\_\_  
City Clerk

## **LEGAL DESCRIPTION**

The Council Pointe Road Urban Revitalization Area is a tract of land containing parcel numbers 744415402001 and 744415176003, legally described as:

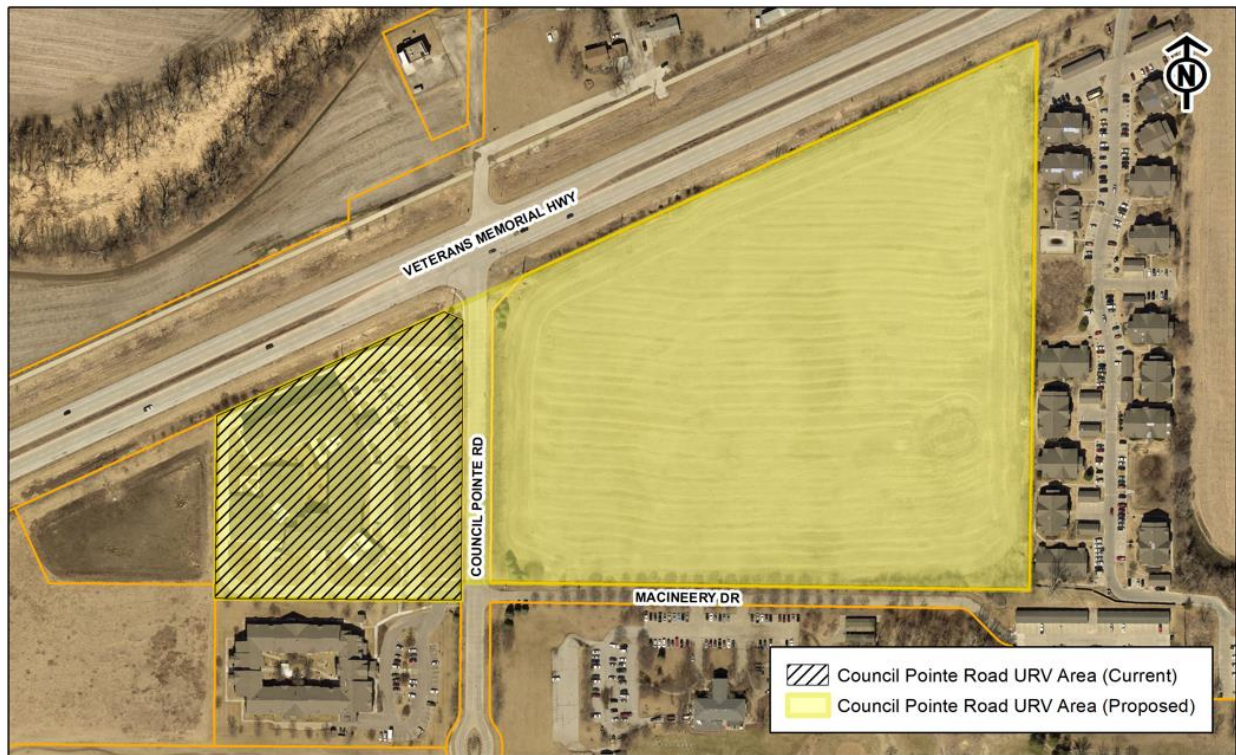
Lot 1, Fox Run Landing, Replat Three, City of Council Bluffs, Pottawattamie County, Iowa.

Lot 116, Fox Run Landing, except the northwest corner dedicated to City right-of-way, along with northerly part of Lot 117 commencing at the southeast corner of said Lot 116, thence North 469.54 feet, thence Northeasterly 885.29 feet, thence South 787.74 feet, and thence West 806.06 feet back to the point of beginning, all in the City of Council Bluffs, Pottawattamie County, Iowa

Illustration 3 shows the location and the boundary of the Council Pointe Road Urban Revitalization Area. The area is 27.16 acres.

### **Council Pointe Road Urban Revitalization Plan**

#### **Illustration 3 – Boundary**



## **PROPERTY OWNERS AND ASSESSED VALUES**

The amended Council Pointe Road Urban Revitalization Area will be comprised of 27.16 acres on two parcels of land owned by Fox Run Independent Living LLC and 92 Investments LLC.

Valuation was obtained from the records of the Pottawattamie County Assessor.

<b>Parcel Number</b>	<b>Owner &amp; Address</b>	<b>Land Valuation</b>	<b>Dwelling Valuation</b>	<b>Building Valuation</b>	<b>Total Valuation</b>
744415301001	Fox Run Independent Living LLC 16934 Frances Street, Suite 200 Omaha, NE 68130	\$557,000	\$10,061,300	\$0	\$10,618,300
744415176003	92 Investments LLC 22735 James Dr Council Bluffs, IA 51503	\$22,600	\$0	\$0	\$22,600

## **EXISTING ZONING AND PROPOSED LAND USE**

The Council Pointe Road Urban Revitalization Area is currently zoned A-P/Administrative-Professional District. The A-P/Administrative-Professional District is intended and designed to provide for the development of professional and low-intensity business offices and uses in areas where residential dwellings exist. The A-P/ Administrative-Professional Office also allows single-family, two-family and multi-family residential dwellings as permitted uses.

Surrounding zoning includes R-1/Single Family Residential District and A-2/Parks, Estates and Agricultural District to the north; C-2/Commercial District to the east; and A-P/ Administrative-Professional District to the south and west. Existing land uses surrounding the subject property includes: undeveloped land and a single-family residential dwelling to the north; a senior living facility (The Heritage at Fox Run) to the south; and undeveloped land to the east and west. The Bluffs Tomorrow: 2030 Future Land Use Plan designates the subject property as High Density Residential and Local Commercial. Illustration 4 depicts the existing zoning for the subject property and surrounding area.

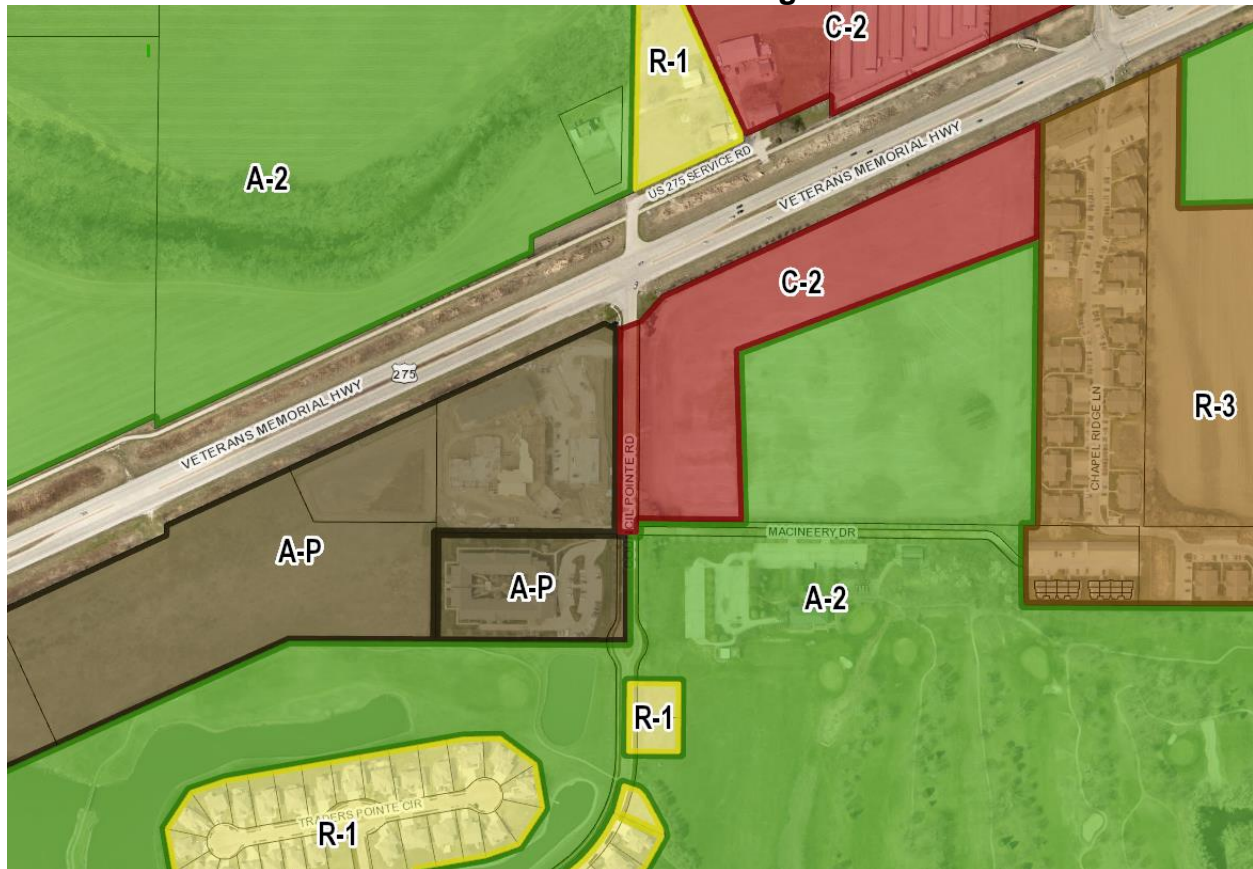


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## Amended Council Pointe Road Urban Revitalization Plan

### Illustration 4 – Zoning

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## **PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES**

The proposed Council Pointe Road Urban Revitalization Area is served with all municipal services (sanitary sewer, water and storm sewer) as well as electricity and gas. The project is located adjacent to Veterans Memorial Highway (U.S. Highway 275/92) and Council Pointe Road, which are dedicated public roadways. Both roadways operate at a level service that can adequately handle the additional traffic generated by the proposed project.

## **RELOCATION PROVISIONS**

The Council Pointe Road Urban Revitalization Area is currently undeveloped; therefore, the City will not displace any residential or non-residential tenants because of proposed improvements in the urban revitalization area.

## **OTHER PUBLIC ASSISTANCE**

The developer is requesting property tax exemption. The developer has not requested any other public assistance.

### **APPLICABILITY AND TAX EXEMPTION SCHEDULE**

1. Eligibility - The Council Pointe Road Urban Revitalization Plan will apply to commercial and multi-family residential (12 or more units).

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion. New construction of multi-family structures containing 12 or more units or the renovation of existing multi-family properties containing 3 or more units will also be eligible for property tax exemption under the plan.

2. Term - The term of this Plan shall be until December 31, 2043 or amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, eighty percent.
- b. For the second year, seventy percent.
- c. For the third year, sixty percent.
- d. For the fourth year, fifty percent.
- e. For the fifth year, forty percent.
- f. For the sixth year, forty percent.
- g. For the seventh year, thirty percent.
- h. For the eighth year, thirty percent.
- i. For the ninth year, twenty percent.
- j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. Multi-Family New Construction (12 or more units) - All eligible multi-family construction shall be eligible to receive a 100% exemption for a period of four years.



5. Multi-Family Rehabilitation (3 or more units) - All eligible multi-family rehabilitation projects shall be eligible to receive a 100% exemption for a period of ten years.

6. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. Improvements involving multi-family projects shall include new construction of projects resulting in 12 or more units or the rehabilitation of existing multi-family projects containing 3 or more units (assessed as commercial property). In addition, all improvements must result in the following increases in value:

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the 15% increase requirement applies only to the structure or structures upon which the improvements were made.
- For residential property, the improvement must increase the actual value of the structure by at least 10%.
- If no structures were located on the property prior to the improvements, any improvements may qualify.

7. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

## **APPLICATION AND REVIEW PROCESS**

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.
2. The applicant completes the required forms and submits them along with all required data by February 1<sup>st</sup> to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.
3. The Department shall review the application according to the following criteria:  
1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within

a designated area; 3) a finding that the work has been completed within the time required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.

4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.
5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.
6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1<sup>st</sup> as required by Chapter 404 of the Iowa Code.

## Attachment A

12/29/22, 11:23 AM

744415402001

[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

7444 15 482 001

\*\*\* Permanent Property Address \*\*\*

FOX RUN INDEPENDENT LIVING LLC

4802 COUNCIL POINTE RD

COUNCIL BLUFFS, IA 51501

\*\*\*\*\* Mailing Address \*\*\*\*\*

FOX RUN INDEPENDENT LIVING LLC

16934 FRANCES ST STE 200

OMAHA, NE 68130

District: 002 CO BLUFFS CITY/LC SCHOOL

REAL ESTATE TAXES ON TREASURER'S WEBSITE

Go to: <https://www.municipalassessments.com/submitting/appraisal/search/detail/744415402001>

\*\*\*\*\* TAX DESCRIPTION \*\*\*\*\*

\* Not to be used on legal documents

FOX RUN LANDING REPLAT THREE, LT 1

## \*\*\*\*\* ASSESSED VALUE \*\*\*\*\*

\* Class is for Assessment purposes only - Not Zoning

	2022	Res. Land	Current Value Dwelling	Total	Class
Full Value		\$557,000	\$10,061,300	\$10,618,300	R
Exempt		\$0	\$10,061,300	\$10,061,300	R
Net Total		\$557,000	\$0	\$557,000	R

	2021	Res. Land	Prior Year Value Dwelling	Total	Class
Full Value		\$557,000	\$6,081,100	\$6,638,100	M
Exempt		\$0	\$0	\$0	M
Net Total		\$557,000	\$6,081,100	\$6,638,100	M

## \*\*\*\*\* EXEMPTIONS/CREDITS APPLIED \*\*\*\*\*

## \*\*\*\*\* OWNERS \*\*\*\*\*

\* Book/Page LINKS TO RECORDER'S WEBSITE

1 D FOX RUN INDEPENDENT LIVING LLC book/page: [2019/03682](#) D

## \*\*\*\*\* SALES HISTORY \*\*\*\*\*

Sale Date	Amount	Code	Book/Page
03/27/2019	0	D1	<a href="#">2019/03682</a>
10/11/2018	0	P26	<a href="#">2018/14071</a> multiple parcel sale

## \*\*\*\*\* ASSESSMENT DATA \*\*\*\*\*

PDF: 11 MAP: 21-11 C.B M-F

Date Reviewed: 01/03/22 GMS

LAND.....242629 sqFt 5.57 acres

Commercial Building 1 of 1 \*\* Independent Living Apartments (729) Units: 36

DBA: FOX RUN INDEPENDENT LIVING

STRUCTURE....3 story 12264 base SF 0 bsmt SF 99345 gross SF

Year Built: 2019 Eff Year: 2019 Condition: Normal

VERTICALS....Ext Wall: Wood - Frame

Int Wall: Drywall or Equiv.

Front/Doors: Incl. w / Base

Windows: Incl. w / Base

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk

Ceiling: Drywall

Struc Floor: R' Concrete

Floor Cover: Carpet

Partitions: Incl. w / Base

Framing: Wood - Average

HVAC: Combination FHA - AC

Sprinklers: Exposed Dry

PLUMBING....3-Fixture Bathroom (36)

Sink-Kitchen (36)

3-Fixture Bathroom (3)

ADJUSTMENTS..Sprinkler - exposed wet (36792)

BLDG EXTRAS..1 Elevator - Pass. Hydraulic: 100 Ft/Min, 3 Stops, 2,500 Lb Capacity

22 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Wood Deck

11 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Patio - Conc / Brick

Commercial Building 1 of 1 Addition 1 \*\* Independent Living Apartments (729) Units: 2

DBA: FOX RUN INDEPENDENT LIVING

STRUCTURE....2 story 5134 base SF 0 bsmt SF

Year Built: 2020 Eff Year: 2020 Condition: Normal

VERTICALS....Ext Wall: Wood - Frame

Int Wall: Drywall or Equiv.

Front/Doors: Incl. w / Base

Windows: Incl. w / Base

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk

Ceiling: Drywall

Struc Floor: R' Concrete

Partitions: Incl. w / Base

Framing: Wood - Average

HVAC: Combination FHA - AC

Sprinklers: Exposed wet

PLUMBING....Sink-Kitchen (2)

3-Fixture Bathroom (2)

12/29/22, 11:23 AM

744415402001

ADJUSTMENTS..Sprinkler - exposed wet (18268)  
BLDG EXTRAS..1 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Wood Deck

Commercial Building 1 of 1 Addition 2 -- Assisted Living Apartments (726) Units: 23  
DBA: FOX RUN INDEPENDENT LIVING  
STRUCTURE....2 story 16594 base SF 0 bsmt SF  
Year Built: 2020 Eff Year: 2020 Condition: Normal

VERTICALS....Ext Wall: Wood - Frame  
Int Wall: Drywall or Equiv.  
Front/Doors: Incl. w / Base  
Windows: Incl. w / Base

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
Ceiling: Drywall  
Struc Floor: R' Concrete  
Floor Cover: Carpet  
Partitions: Incl. w / Base  
Framing: Wood - Average  
HVAC: Combination FHA - AC  
Sprinklers: Exposed Dry

PLUMBING.....3-Fixture Bathroom (23)  
Sink-Kitchen (23)  
3-Fixture Bathroom (5)  
Lavatory (2)  
Toilet Room (2)  
Urinal - Wall (1)  
Water Closet (3)

ADJUSTMENTS..Sprinkler - exposed wet (33188)  
BLDG EXTRAS..9 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Patio - Conc / Brick  
13 Porches,Decks,Patios,etc.: W4.00 x L8.00 32 SF, Wood Deck  
1 Cold Storage: 80 SF, Cooler, 24 SFSA Door, No Door  
1 Cold Storage: 80 SF, Freezer, 24 SFSA Door, No Door

Commercial Building 1 of 1 Addition 3 -- Assisted Living Apartments (726)  
DBA: FOX RUN INDEPENDENT LIVING  
STRUCTURE....1 story 3504 base SF 0 bsmt SF  
Year Built: 2020 Eff Year: 2020 Condition: Normal

VERTICALS....Ext Wall: Wood - Frame  
Int Wall: Drywall or Equiv.  
Front/Doors: Incl. w / Base  
Windows: Incl. w / Base

HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
Ceiling: Drywall  
Struc Floor: R' Concrete  
Floor Cover: Carpet  
Partitions: Incl. w / Base  
Framing: Wood - Average  
HVAC: Combination FHA - AC  
Sprinklers: Exposed Dry

PLUMBING.....Toilet Room (2)

ADJUSTMENTS..Sprinkler - exposed wet (3504)

Commercial Building 1 of 1 Addition 4 -- Nursing Home (788) Units: 18  
DBA: FOX RUN INDEPENDENT LIVING  
STRUCTURE....1 story 15593 base SF 0 bsmt SF  
Year Built: 2020 Eff Year: 2020 Condition: Normal

VERTICALS....Ext Wall: Wood - Frame  
Int Wall: Drywall or Equiv.  
Front/Doors: Incl. w / Base  
Windows: Incl. w / Base

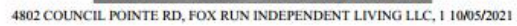
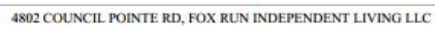
HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
Ceiling: Drywall  
Struc Floor: R' Concrete  
Floor Cover: Carpet  
Partitions: Incl. w / Base  
Framing: Wood - Average  
HVAC: Combination FHA - AC  
Sprinklers: Exposed Dry

PLUMBING.....Toilet Room (18)  
Toilet Room (2)  
Stall Shower or Tub (3)

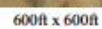
ADJUSTMENTS..Sprinkler - exposed wet (15593)

BLDG EXTRAS..1 Canopy: 1,890 SF, Frame  
YARD EXTRAS..2 Garage W24.00 x L140.00 3,360 SF, Frame, 11.00 S  
Paving - Concrete 30,000 SF, Concrete Parking

744415402001



744415402001



## Attachment B

12/29/22, 11:24 AM

744415176003

[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

7444 15 176 003

--- Permanent Property Address ---  
92 INVESTMENTS LLC

----- Mailing Address -----  
92 INVESTMENTS LLC  
22735 JAMES DR  
COUNCIL BLUFFS, IA 51503

District: 003 CO BLUFFS AG/LC SCHOOL

===== REAL ESTATE TAXES ON TREASURER'S WEBPAGE =====

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744415176003>

===== TAX DESCRIPTION\* =====

\* Not to be used on legal documents

CO BLUFFS LEWIS AGRI- FOX RUN LANDING LT 116 EXC NW COR TO CITY & PT LT 117 COMM SE COR LT 116  
THN469.54' NE885.29'S787.74' W806.06'POB

===== ASSESSED VALUE =====

\* Class is for Assessment purposes only - Not Zoning

Current Value						
2022	Agri. Land	Dwelling	Improvement	Total	Ag Acres	Class
Full Value	\$22,600	\$0	\$0	\$22,600	21.59	A
Exempt	\$0	\$0	\$0	\$0	0	A
Net Total	\$22,600	\$0	\$0	\$22,600	21.59	A
Prior Year Value						
2021	Agri. Land	Dwelling	Improvement	Total	Ag Acres	Class
Full Value	\$22,600	\$0	\$0	\$22,600	21.59	A
Exempt	\$0	\$0	\$0	\$0	0	A
Net Total	\$22,600	\$0	\$0	\$22,600	21.59	A

===== EXEMPTIONS/CREDITS APPLIED =====

2021 AGLAND

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1 D 92 INVESTMENTS LLC book/page: [2011/15019](#) D

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page
11/07/2011	570000	<a href="#">D34</a>	<a href="#">2011/15019</a>
11/07/2011	570000	<a href="#">D49</a>	<a href="#">2011/14479</a>
05/11/2007	350000	<a href="#">D050</a>	<a href="#">2007/08229</a>

===== ASSESSMENT DATA =====

PDF: 25 MAP: 21

Date Reviewed: 05/26/10 JC

LAND.....940460 sqFt 21.59 acres

[Zoom Out](#) [Zoom In](#)



1200ft x 1200ft



**RESOLUTION NO. 23-05**

**A RESOLUTION OF NECESSITY AND INTENT TO AMEND THE COUNCIL POINTE ROAD URBAN REVITALIZATION AREA.**

- WHEREAS, the subject area is an appropriate area as defined in Section 404.1.2 of the Iowa Code; and
- WHEREAS, on April 9, 2018, City Council adopted resolution No. 18-43 approving the Council Pointe Road Urban Revitalization Plan; and
- WHEREAS, the Community Development Department recommends amending the plan to add an additional parcel to the revitalization area; and
- WHEREAS, an amended plan must be developed in accordance with Section 404.2 of the Iowa Code; and
- WHEREAS, thirty days' notice of public hearing is required to be sent to all property owners and occupants within the area; and
- WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.2.

**BE IT FURTHER RESOLVED**

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than January 12, 2023.

**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on February 13, 2023.

**ADOPTED  
AND  
APPROVED:**

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jodi Quakenbush

\_\_\_\_\_  
City Clerk

**Council Communication**

Department: City Clerk

Case/Project No.:

Submitted by:

Claims  
ITEM 3.G.

Council Action: 1/9/2023

Description

Background/Discussion

Recommendation

**ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Claims, 01.9.23</a>	Other	1/3/2023

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 22-PK-2178

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Guadalupe Calleroz

DAY PHONE: [REDACTED]

ADDRESS: [REDACTED]

DOB: [REDACTED]

DATE & TIME OF LOSS/ACCIDENT: 8.2.22

LOCATION OF LOSS/ACCIDENT: Madison / 1st St. & Stahl

DESCRIPTION OF LOSS/ACCIDENT: Tree fell on my truck. Crushed truck and pinned me for 30-40 mins. Truck is totaled. I was taken to UNMC. Kept overnight. Medical injuries occurred and I'm still recovering. Treatment ongoing. (USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$

WITNESS(ES) (Name(s), Address(es), Phone No(s)): People in other car struck by tree (per police report):

All live at [REDACTED] Council Bluffs, IA 51501

WAS POLICE REPORT FILED X YES    NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

UNMC

HAVE YOU RESUMED NORMAL ACTIVITIES?    YES X NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: See attached.

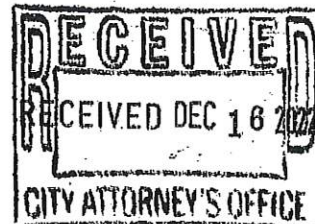
LIST INSURANCE PROVIDER AND COVERAGE: American Family Insurance

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

12/16/2022  
DATE

Guadalupe M. Calleroz  
CLAIMANT'S SIGNATURE



Action by Council:

Receive & File:

Date: 1.9.23

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 22-PD-2177

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Emma Johnson

ADDRESS: [REDACTED]

DAY PHONE: [REDACTED]

DOB: [REDACTED]

76

DATE & TIME OF LOSS/ACCIDENT: August 9, 11:15 AM

LOCATION OF LOSS/ACCIDENT: 543 Mill St apt 2

DESCRIPTION OF LOSS/ACCIDENT: Police unlawfully came into my home with there guns drawn on me while I layed in my bed half dressed, saying I wasn't supposed to be there when

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 100,000.00

WITNESS(ES) (Name(s), Address(es), Phone No(s)): [REDACTED]

WAS POLICE REPORT FILED ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND [REDACTED]

HAVE YOU RESUMED NORMAL ACTIVITIES? ☐ YES ☒ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION:

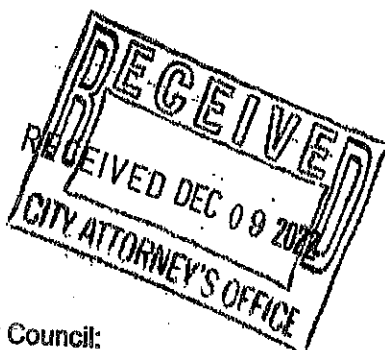
LIST INSURANCE PROVIDER AND COVERAGE: Town total care  
medicaid

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

11-21-22  
DATE

[Signature]  
CLAIMANT'S SIGNATURE



CLERK/ROD  
15 DEC 22  
PM 1:45

Action by Council:

Receive & File:

Date: 1.9.23

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 22-PW-2179

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Patricia J. Oehler

DAY PHONE: 402

ADDRESS: [REDACTED]

DOB: [REDACTED]

DATE & TIME OF LOSS/ACCIDENT: 12/9/2022 at 12 noon

LOCATION OF LOSS/ACCIDENT: NW corner of 16th & Broadway, Co. Bluffs

DESCRIPTION OF LOSS/ACCIDENT: stop light was red as I was heading south on 16th wanting to turn right (west) onto Broadway. When moving into the right hand lane slowly I hit a pot hole that popped the front passenger tire and caused  
(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ 387.87

WITNESS(ES) (Name(s), Address(es), Phone No(s))

WAS POLICE REPORT FILED YES ☒ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: passenger side front tire was blown & knocked out alignment.

LIST INSURANCE PROVIDER AND COVERAGE: North Star Mutual Ins. Co  
see attached copy of policy

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

12/16/2022  
DATE

Patricia J. Oehler  
CLAIMANT'S SIGNATURE



Action by Council:

Receive & File:

Date: 1.9.23

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 22-PD-2181

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Donald Hansman DAY PHONE: [REDACTED]

ADDRESS: [REDACTED] DOB: [REDACTED]

DATE & TIME OF LOSS/ACCIDENT: 12-23-2022 11:07 A

LOCATION OF LOSS/ACCIDENT: Frank Street

DESCRIPTION OF LOSS/ACCIDENT: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(USE BACK OF FORM, IF NECESSARY)

TOTAL DAMAGES CLAIMED: \$ \_\_\_\_\_

WITNESS(ES) (Name(s), Address(es), Phone No(s)): \_\_\_\_\_

\_\_\_\_\_

WAS POLICE REPORT FILED ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HAVE YOU RESUMED NORMAL ACTIVITIES? ☐ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY

OTHER RELEVANT INFORMATION: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

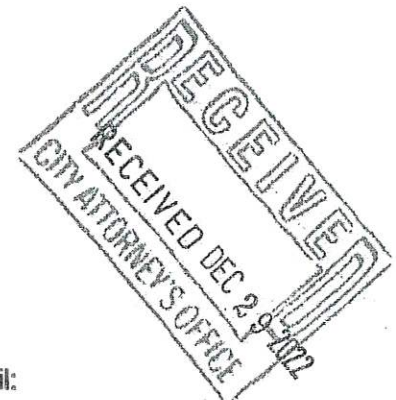
LIST INSURANCE PROVIDER AND COVERAGE: \_\_\_\_\_

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

12-29-22  
DATE

Donald Hansman  
CLAIMANT'S SIGNATURE



Action by Council:

Receive & File:

Date: 1.9.23

PM1:15

30 DEC 22

CLERK RWD

RETURN TO: CITY OF COUNCIL BLUFFS, IOWA  
ATTN: CITY LEGAL DEPARTMENT  
OR CITY CLERK  
209 PEARL STREET  
COUNCIL BLUFFS, IA 51503

CITY CLAIM NO. 22-PW-2180

### NOTICE OF CLAIM/LOSS

NAME OF CLAIMANT: Laura DeWitt DAY PHONE: [REDACTED]  
ADDRESS: [REDACTED] DOB: [REDACTED]  
DATE & TIME OF LOSS/ACCIDENT: 11-4-22 11:06 am  
LOCATION OF LOSS/ACCIDENT: 32nd & West Broadway  
DESCRIPTION OF LOSS/ACCIDENT: City workers at site working on lights. Accident happened. Officer called dispatch to check camera. Lights were changing rapidly so no citation. Unfortunate incident. Please see back. (USE BACK OF FORM, IF NECESSARY)  
TOTAL DAMAGES CLAIMED: \$ 3,810.00  
WITNESS(ES) (Name(s), Address(es), Phone No(s)): \_\_\_\_\_

WAS POLICE REPORT FILED ☒ YES ☐ NO

IF MEDICAL ATTENTION WAS REQUIRED, PLEASE PROVIDE NAME, ADDRESS, AND TELEPHONE NO. OF TREATING PHYSICIAN AND FACILITY:

N/A

HAVE YOU RESUMED NORMAL ACTIVITIES? ☒ YES ☐ NO

IF YOU INCURRED PROPERTY DAMAGE, PLEASE DESCRIBE AND PROVIDE COPIES OF ESTIMATES, INVOICES, PHOTOGRAPHS, AND ANY OTHER RELEVANT INFORMATION: \_\_\_\_\_

LIST INSURANCE PROVIDER AND COVERAGE: State Farm

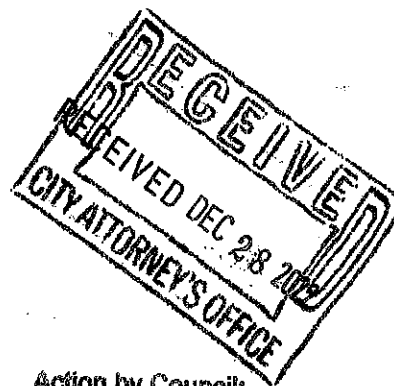
Policy

I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IN SUPPORT OF MY CLAIM IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

NOTE: IT IS A FRAUDULENT PRACTICE PUNISHABLE BY FINE OR IMPRISONMENT TO KNOWINGLY MAKE A FALSE CLAIM (SECTION 714.8(3) CODE OF IOWA)

DATE \_\_\_\_\_

Laura DeWitt  
CLAIMANT'S SIGNATURE



Action by Council:

Receive & File:

Date: 1-9-23

PM1:16

30 DEC 22

CLERK RWD



## Council Communication

Department: City Clerk  
Case/Project No.: ZT-22-008  
Submitted by: Brandon Siracuse, Planner

Amended Ordinance 6528  
ITEM 4.A.

Council Action: 1/9/2023

<b>Description</b> Ordinance 6528 to amend Chapter 15.16, C-3/Commercial District by amending Section 15.16.060 "Additional Regulations." ZT-22-008
<b>Background/Discussion</b> See attached staff report.
<b>Recommendation</b>

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	12/9/2022
<a href="#">Attachment A: Existing Chapter 15.16</a>	Code Section	12/9/2022
<a href="#">Attachment B: Previous version of proposed Chapter 15.16</a>	Code Section	12/9/2022
<a href="#">Attachment C: Corrected version of proposed Chapter 15.16</a>	Code Section	12/9/2022
<a href="#">Public Hearing Notice</a>	Notice	12/9/2022
<a href="#">Ordinance 6528</a>	Ordinance	12/14/2022

## City Council Communication

Department: Community Development  CASE #ZT-22-008  Applicants: <del>Ryan Adkins</del> <del>104 Crogans Way Circle</del> <del>Council Bluffs, Iowa 51501</del>  City of Council Bluffs 209 Pearl Street Council Bluffs, IA 51503	Ordinance No. _____	<u>City Council</u> 1 <sup>st</sup> Consideration: 12/19/22  2 <sup>nd</sup> Consideration: 01/09/23  3 <sup>rd</sup> Consideration: 01/23/23 (Request to be waived)  Planning Commission: 10/11/22
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### Subject/Title

**Request:** Public hearing on the request of ~~Ryan Adkins to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(F), General Provisions, relative to hard surface parking standards; Section 15.23.030(A)(2), Design Standards, by reducing hard surface pavement standards for certain farm operation uses in the A-2/Parks, Open Space and Agricultural District; and on the request of the City of Council Bluffs to amend the following sections of Title 15: Zoning of the Council Bluffs Municipal Code: Section 15.23.020(B), General Provisions, by increasing the maximum distance certain off-site parking facilities may be located relative to the uses they serve; Section 15.23.020(F), General Provisions, relative to hard surface parking standards; Section 15.23.030(A)(2), Design Standards, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non one- and two-family uses; and Section 15.16.060, Additional Regulations, relative to parking and loading requirements for developments within the C-3/Commercial District.~~

### Background

**Reconsideration of Ordinance No. 6528, adopted by City Council on November 28, 2022.**

**Due to an unintentional formatting error and omission of existing language in the draft of Chapter 15.16 previously presented to the City Council, this matter is being submitted for reconsideration with corrections. The substance of the proposed text amendment has not changed from what City Council has previously approved. For reference, the existing Chapter 15.16, originally proposed text amendment draft, and corrected amendment draft are included as Attachments ‘A’, ‘B’, and ‘C’, respectively.**

~~Ryan Adkins is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:~~

- ~~1. Amend Section 15.23.020(F), General Provisions, by updating language relative to hard surface pavement requirements for parking and loading areas; and~~
- ~~2. Amend Section 15.23.030(A)(2), Design Standards, by reducing hard surface pavement requirements for parking and loading areas associated with certain non-industrial and non-commercial scale farming operations.~~

Additionally, the Community Development Department is requesting to amend Title 15: Zoning of the Council Bluffs Municipal Code as follows:

1. ~~Amend Section 15.23.020(B), *General Provisions*, by updating the distance that off site parking facilities may be located from the uses they serve;~~
2. ~~Amend Section 15.23.020(F), *General Provisions*, by updating language relative to hard surface pavement requirements for parking and loading areas;~~
3. ~~Amend Section 15.23.030(A)(2), *Design Standards*, by changing the standard rock base depth for asphalt cement concrete parking and loading areas associated with non one and two family uses; and~~
4. Amend Section 15.16.060, *Additional Regulations*, by updating the parking and loading requirements for developments within the C-3/Commercial District such that the standards match those of the C-4/Commercial District.

~~Ryan Adkins (applicant) is the owner of a family farming operation within City limits and has approached the City about reducing hard surface pavement standards for farming operations that are non industrial and non-commercial in nature within the City, such that these farming uses may use a lower quality surface material for parking and loading areas associated with the agricultural operations on the property. The applicant proposed allowing parking and loading surfaces for such agricultural uses to be constructed with crushed Portland cement concrete or crushed asphalt cement concrete. The applicant has requested this change because paving large areas for parking, loading, and circulation of agricultural machines to current standards is “financially unrealistic.” In addition, the hard surfaces currently required by City code would not hold up to the weight of farm equipment over time and can create stormwater drainage and access issues. A material such as crushed Portland cement concrete or crushed asphalt cement concrete would provide more longevity, easier maintenance, and better drainage for non industrial and non-commercial farming operations.~~

In addition, the City of Council Bluffs is proposing amendments to various parking standards. The Community Development Department is proposing certain changes that will help better facilitate developments in the City’s downtown business district, and the Public Works Department has suggested minor changes to some pavement standards. These changes are presented in detail in the “Discussion” section.

All City Departments and local utilities were notified of the proposed text amendments. No adverse comments have been received.

## Discussion

### ~~A. Section 15.23.020 *General Provisions*~~

- ~~B. Contractual agreements may be made between uses which generate parking and at different intervals in such a manner that the requirements of more than one use may be met by the same space, provided the parking demand for each use involved is met. All other required parking spaces shall be located a distance not to exceed four hundred (400) feet from the building or use which they are required to serve, measured in a straight line from the building. Off-site parking owned by or affiliated directly with the owner of the use it serves may be located up to one thousand three hundred twenty (1,320) feet from the use it serves, measured in a straight line from the building.~~
- ~~F. All off street parking lots and areas, sales lots and loading and unloading spaces, including entrances, exits and driveway approaches shall be constructed of hard surface concrete, brick concrete pavers, or asphalt, unless otherwise stated in this chapter, to prevent mud, dust, or loose material. Asphalt grindings and seal coats are not acceptable surfaces. Paving standards contained in this section should be considered minimum standards.~~

The purpose of the revisions to subsection (B) is to enable both new and existing developments to utilize off-site parking located up to ¼ mile away from the use it serves, provided the off site parking facility is wholly owned or affiliated with the use it serves. A ¼ mile maximum distance is proposed because it is generally an

acceptable walking distance. The ability to utilize off-site parking within walking distance of a building will be particularly useful in the downtown context where space for new parking lots on-site may be limited. However, the proposed changes above may be used elsewhere in the City when and where feasible as well.

The proposed changes to subsection (F) aim to change the “brick” pavement type currently allowed for parking surfaces to “concrete pavers” as per the request of the Public Works Department and to clarify that the hard surface pavement types listed in the *General Provisions* section are required unless otherwise specified. These changes will bring the parking surface requirements into alignment with engineering standards adopted by the Public Works Department and accommodate the proposed exception to hard surface paving requirements associated with certain farming operations.

**B. Section 15.23.030 Design Standards**

***A. General Use Parking and Traveled Areas Including All Required and Nonrequired Parking, Driveways, Entrances and Exits, Vehicles or Sales.***

***2. Pavement Requirements. Five inches of Portland cement concrete or four six inches rock base with four inches of asphalt cement concrete. The standards should be considered a minimum. Actual pavement design shall be based on consideration of traffic loadings, soil support capability and material specifications.***

***a. Lower quality surface materials, such as crushed Portland cement concrete or crushed asphalt cement concrete, may be used for parking, drive aisles, and circulation areas associated with active farming operations, which do not have the appearance or scale of a commercial or industrial farming operation, on properties zoned A-2 with the written approval of the Community Development Director and Public Works Director. All surface materials shall be maintained such that the driving and parking surfaces are fully covered with the approved surface material and do not create any dust or hazardous conditions. The portion of a driveway within public right-of-way shall be hard surfaced to city standards.***

The proposed revisions would increase the rock base depth for non one- and two-family parking, loading and circulation areas paved with asphalt cement concrete to six (6) inches, as requested by the Public Works Department.

Furthermore, the addition of subsection (A)(2)(a) would specify that non-commercial and non-industrial-scale farming operations in an A-2/Parks, Estates and Agricultural District could utilize crushed Portland cement concrete or crushed asphalt cement concrete as an alternative surface material for parking, loading and circulation areas on-site. These lower standards would apply only to portions of a farming operation used for agricultural purposes. Parking and circulation areas associated with other uses in this district (such as dwellings, parks, etc.) will remain subject to the hard surface pavement standards that exist currently. Allowing reduced pavement standards for certain farming operations in the A-2 District will help to reduce economic burden on farmers who are currently required by the City’s parking code to pave hard surface parking and circulation areas for farm equipment, despite such hard surfaces not being ideal for farming operations.

**C. Section 15.16.060 Additional Regulations**

- A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.***
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.***

***Parking and loading requirements:***

- A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;***
- B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.***

The proposed changes to this section will bring the parking and loading requirements for the C-3/Commercial District into alignment with those of the C-4/Commercial District. Both the C-3 and C-4 Districts primarily serve the City's downtown area, and it is sensible to have uniform parking standards across both districts. The proposed parking and loading standards would eliminate minimum parking requirements for all land uses within the C-3 District except for the residential portion of a mixed commercial/residential structure. This will create a degree of flexibility for future developments in the C-3 District, as the amount of parking provided for non-residential uses will be the choice of the developer or property owner. A reduction in required parking amounts can be useful for developments on parcels with constrained space, as an average parking space requires approximately 330 square feet of land when accounting for parking stalls, drive aisles, ramps, landscaping, and setbacks. Reduced parking requirements can also make new development more cost-effective, as the cost of a typical surface parking lot is roughly \$5,000 to \$10,000 per space and a typical parking structure can cost \$25,000 to \$50,000 per space (costs include land values, materials, and labor). The ability to build less on-site parking could enable developments in the downtown area that may not otherwise be geometrically and/or financially feasible with current minimum parking requirements.

Notably, elimination of minimum parking requirements within the C-3 District would not prohibit developers or property owners from providing on-site parking facilities in this district. On the contrary, virtually all new developments will include some amount of parking either on-site or off-site, primarily due to economic forces that make it difficult for new development to be built without parking. In nearly all cases, some parking will be required in order for new developments to be marketable to prospective tenants. Financing for new developments typically also necessitates some amount of parking, as loan underwriters will be hesitant to lend money for a development with a high risk of failing to generate enough revenue to make timely loan payments. Elimination of minimum parking requirements would simply give landowners and developers the latitude to provide the amount of parking that makes the most sense for a particular site, rather than applying uniform minimum parking requirements.

**Recommendation**

The Community Development Department recommends approval of the request to amend Section 15.16.060, *Additional Regulations*; ~~Section 15.23.020, *General Provisions*~~; and Section 15.23.030, *Design Standards*; of the ~~Council Bluffs Municipal Code (Zoning Ordinance)~~, as shown in Attachments 'C' and 'D'.

**Public Hearing**

Staff speakers for the request:

1. Brandon Siracuse, Planner, City of Council Bluffs, 209 Pearl Street, Council Bluffs, IA 51503
2. Christopher Gibbons, Planning and Code Compliance Manager, 209 Pearl Street, Council Bluffs, IA 51503

Speakers in favor: None

Speakers against: None

**Planning Commission Recommendation**

The City Planning Commission recommended approval of the request to amend Section 15.15.060, Additional Regulations; ~~Section 15.23.020, General Provisions~~; and ~~Section 15.23.030, Design Standards~~; of the Council Bluffs Municipal Code (Zoning Ordinance), as shown in Attachments 'C' and 'D'.

VOTE: AYE – Bass, Halm, Knauss, Opperman, Rater, Rew, Scott, Stroebele, and VanHouten. NAY - None ABSTAIN - None ABSENT – Bailey and Hutcheson. VACANT – None. Motion: Carried.

#### **Attachments**

Attachment A: Existing Chapter 15.16, C-3/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment B: Previous version of proposed Chapter 15.16, C-3/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

Attachment C: Corrected version of proposed Chapter 15.16, C-3/Commercial District, of the Council Bluffs Municipal Code (Zoning Ordinance)

~~Attachment D: Proposed Chapter 15.23, Off Street Parking, Loading and Unloading, of the Council Bluffs Municipal Code (Zoning Ordinance)~~

Prepared by: Brandon Siracuse, Planner, Community Development Department

**Chapter 15.16 - C-3/COMMERCIAL DISTRICT**

**15.16.010 Statement Of Intent**

**15.16.020 Principal Uses**

**15.16.030 Conditional Uses**

**15.16.040 Accessory Uses**

**15.16.050 Site Development Regulations**

**15.16.060 Additional Regulations**

**15.16.070 Signs**

**15.16.010 Statement Of Intent**

The C-3 district is intended to accommodate office, retail and related activities in the traditional commercial center of the city as well as other appropriate commercial sites.

(Ord. 5469 § 1 (part), 1999)

**15.16.020 Principal Uses**

The following principal uses shall be permitted outright in a C-3 district:

- A. Automobile service establishment;
- B. Business, professional office;
- C. Business goods and service establishment;
- D. Club or lodge;
- E. College or university;
- F. Commercial recreation (indoor);
- G. Consumer service establishment;
- H. Cultural service;
- I. Financial service;
- J. Funeral service;
- K. General government use;
- L. Hospital;
- M. Hotel/motel;
- N. Mixed commercial/residential structure;
- O. Newspaper printing;
- P. Park and recreation service;
- Q. Pawn shop;
- R. Private parking lot;
- S. Public parking lot;
- T. Religious assembly;
- U. Restaurant (drive-in, limited and general);
- V. Retail shopping establishment;
- W. School;
- X. Second hand store;
- Y. Tattoo parlor;
- Z. Tavern;
- AA. Small alcohol production facility;



- AB. Dwelling, multifamily;
- AC. Consumer fireworks sales.

(Ord. No. 6027, § 1, 2-23-2009; Ord. No. 6292, § 1, 5-8-2017; Ord. No. 6343, § 1, 8-13-2018)

**Editor's note—** Ord. No. 6027, § 1, adopted Feb. 23, 2009, repealed the former § 15.16.020, and enacted a new CBMC 15.16.020 as set out herein. The former CBMC 15.16.020 pertained to similar subject matter and derived from Ord. No. 5556, § 1, adopted 2001.

#### HISTORY

*Amended by Ord. [6455](#) on 6/14/2021*

*Amended by Ord. [6508](#) on 7/11/2022*

### **15.16.030 Conditional Uses**

The following conditional uses shall be permitted in a C-3 district in accordance with the requirements set forth in CBMC 15.27:

- A. Communication towers;
- B. Day care service.

(Ord. 5469 § 1 (part), 1999)

### **15.16.040 Accessory Uses**

The following accessory uses shall be permitted in a C-3 district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-3 district, unless otherwise excluded.

(Ord. 5469 § 1 (part), 1999)

### **15.16.050 Site Development Regulations**

- A. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-3 after the effective date of this ordinance shall not be subject to **Minimum Lot Size**, set back or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.
- B. Lots or parcels of land more than two acres in areas rezoned to C-3 after the effective date of this chapter shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.

(Ord. 5469 § 1 (part), 1999)

### **15.16.060 Additional Regulations**

- A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

(Ord. 5469 § 1 (part), 1999)

#### **HISTORY**

*Amended by Ord. [6508](#) on 7/11/2022*

### **15.16.070 Signs**

Signage in this district shall comply with CBMC 15.33 "Signs."

(Ord. 5469 § 1 (part), 1999)

**Chapter 15.16 - C-3/COMMERCIAL DISTRICT**

15.16.010 Statement Of Intent

15.16.020 Principal Uses

15.16.030 Conditional Uses

15.16.040 Accessory Uses

15.16.050 Site Development Regulations

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15.16.070 Signs

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- I. Financial service;
- J. Funeral service;
- K. General government use;
- L. Hospital;
- M. Hotel/motel;
- N. Mixed commercial/residential structure;
- O. Newspaper printing;
- P. Park and recreation service;
- Q. Pawn shop;
- R. Private parking lot;
- S. Public parking lot;
- T. Religious assembly;
- U. Restaurant (drive-in, limited and general);
- V. Retail shopping establishment;
- W. School;
- X. Second hand store;
- Y. Tattoo parlor;
- Z. Tavern;
- AA. Small alcohol production facility;

BB. Dwelling, multifamily.

(Ord. No. 6027, § 1, 2-23-2009; Ord. No. 6292, § 1, 5-8-2017; Ord. No. 6343, § 1, 8-13-2018)

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#### HISTORY

Amended by Ord. [6455](#) on 6/14/2021

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(Ord. 5469 § 1 (part), 1999)

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- A. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-3 after the effective date of this ordinance shall not be subject to **Minimum Lot Size**, set back or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.
- B. Lots or parcels of land more than two acres in areas rezoned to C-3 after the effective date of this chapter shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.

(Ord. 5469 § 1 (part), 1999)

### **15.16.060 Additional Regulations**

All business, service, repair, processing, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.

**Parking and loading requirements:**

- A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;
- B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

(Ord. 5469 § 1 (part), 1999)

**15.16.070 Signs**

Signage in this district shall comply with CBMC 15.33 "Signs."

(Ord. 5469 § 1 (part), 1999)

**Chapter 15.16 - C-3/COMMERCIAL DISTRICT**

15.16.010 Statement Of Intent

15.16.020 Principal Uses

15.16.030 Conditional Uses

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15.16.050 Site Development Regulations

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- G. Consumer service establishment;
- H. Cultural service;
- I. Financial service;
- J. Funeral service;
- K. General government use;
- L. Hospital;
- M. Hotel/motel;
- N. Mixed commercial/residential structure;
- O. Newspaper printing;
- P. Park and recreation service;
- Q. Pawn shop;
- R. Private parking lot;
- S. Public parking lot;
- T. Religious assembly;
- U. Restaurant (drive-in, limited and general);
- V. Retail shopping establishment;
- W. School;
- X. Second hand store;
- Y. Tattoo parlor;
- Z. Tavern;
- AA. Small alcohol production facility;

- AB. Dwelling, multifamily;
- AC. Consumer fireworks sales.

(Ord. No. 6027, § 1, 2-23-2009; Ord. No. 6292, § 1, 5-8-2017; Ord. No. 6343, § 1, 8-13-2018)

**Editor's note—** Ord. No. 6027, § 1, adopted Feb. 23, 2009, repealed the former § 15.16.020, and enacted a new CBMC 15.16.020 as set out herein. The former CBMC 15.16.020 pertained to similar subject matter and derived from Ord. No. 5556, § 1, adopted 2001.

#### HISTORY

*Amended by Ord. [6455](#) on 6/14/2021*

### **15.16.030 Conditional Uses**

The following conditional uses shall be permitted in a C-3 district in accordance with the requirements set forth in CBMC 15.27:

- A. Communication towers;
- B. Day care service.

(Ord. 5469 § 1 (part), 1999)

### **15.16.040 Accessory Uses**

The following accessory uses shall be permitted in a C-3 district: Uses of land or structures customarily incidental and subordinate to one of the principal uses in the C-3 district, unless otherwise excluded.

(Ord. 5469 § 1 (part), 1999)

### **15.16.050 Site Development Regulations**

- A. Lots or parcels of land zoned C-3 on or before the effective date of this ordinance and lots or parcels of land in areas less than two acres rezoned to C-3 after the effective date of this ordinance shall not be subject to **Minimum Lot Size**, set back or lot coverage requirements. Maximum height is limited to one hundred (100) feet for principal structures and twenty-four feet for accessory structures.
- B. Lots or parcels of land more than two acres in areas rezoned to C-3 after the effective date of this chapter shall be required to submit a development plan for consideration by the planning commission and city council concurrent with the rezoning application. The development plan review shall follow the procedure used in CBMC 15.18.

(Ord. 5469 § 1 (part), 1999)



### **15.16.060 Additional Regulations**

- A. All business, service, repair, processing, storage and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in windows, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

#### **Parking and loading requirements:**

- A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;
- B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

(Ord. 5469 § 1 (part), 1999)

### **15.16.070 Signs**

Signage in this district shall comply with CBMC 15.33 "Signs."

(Ord. 5469 § 1 (part), 1999)

## NOTICE OF PUBLIC HEARING

TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request of the City of Council Bluffs to amend Section 15.16.060, Additional Regulations, relative to parking and loading requirements for developments within the C-3/Commercial District.

You are further notified that the public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 9th day of January, 2023 in the City Council Chambers, 2<sup>nd</sup> Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

---

Jodi Quakenbush, City Clerk

**AMENDED ORDINANCE NO. 6528**

**AN ORDINANCE TO AMEND CHAPTER 15.16, C-3/COMMERCIAL DISTRICT OF THE MUNICIPAL CODE (ZONING ORDINANCE) OF THE 2020 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.16.060 “ADDITIONAL REGULATIONS”.**

**BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

**SECTION 1.** That Chapter 15.16, C-3/Commercial District of the Municipal Code (Zoning Ordinance) of the 2020 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by amending Section 15.16.060 “Additional Regulations” to read as follows:

**15.16.060 Additional Regulations**

- A. All business, service, repair, processing, storage, and merchandise display shall be conducted or located within an enclosed building, with the exception of off-street parking and loading areas, drive-in services, minor service for motor vehicles, and display of merchandise along the wall of the building, which merchandise shall not extend more than three feet from the wall of such building.
- B. Consumer fireworks sales from a temporary structure shall not be located within three hundred (300) feet of a residential structure.

Parking and loading requirements:

- A. Off-street parking is not required for any use established or existing in this district, except for residential use in a mixed commercial/residential structure;
- B. Off-street loading for all uses established or existing in this district shall comply with the applicable requirements in CBMC 15.23.

(Ord. 5469 § 1 (part), 1999)

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**SECTION 3. SEVERABILITY CLAUSE.** If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

**SECTION 4. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND  
APPROVED

January 9, 2023.

---

MATTHEW J. WALSH

Mayor

Attest:

---

JODI QUAKENBUSH

City Clerk

First Consideration: 12-19-22

Second Consideration: 1-9-23

Public Hearing: 1-9-23

Third Consideration: \_\_\_\_\_

## Council Communication

Department: Public Works Admin  
Case/Project No.: BM-23-04  
Submitted by: Jeremy Noel, Public Works  
Operations Manager

Resolution 23-06  
ITEM 4.B.

Council Action: 1/9/2023

### Description

Resolution approving the plans, specifications, form of contract, and cost estimate for the UP Museum Exterior Handrails and Fire Escapes Project. Project #BM-23-04

### Background/Discussion

The Council Bluffs Carnegie Free Public Library was renovated in 2002 and the Union Pacific Railroad Museum has occupied the building since May of 2003. The guards and handrails on the East side of the building and fire escapes on the West side have been in place since the renovation. Both are showing signs of deterioration in the form of corrosion and peeling paint, and there are sections of handrail that are loose or missing. These items must be maintained in order to provide safe and accessible access, and emergency exiting, from the facility.

This project includes repairs to the supports, blasting surfaces to prep for painting, painting, repairs to damaged or missing handrails, and handrail finish restoration.

The repairs will allow for continued use of the building by maintaining access to the facility, and safe exiting during an emergency.

The estimated cost of this project is \$163,762.00 which includes \$23,800.00 for professional services provided by Schemmer Associates. The project is included in the FY23 CIP with funding from GO Bonds.

The project schedule is as follows:	Hold Public Hearing	January 9, 2023
	Bid Letting	January 31, 2023
	Award	February 13, 2023
	Construction End	June 1, 2023

### Recommendation

Approval of this resolution. This project will provide necessary safety repairs for the continued use of the building.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Resolution 23-06</a>	Resolution	1/4/2023

**RESOLUTION NO. 23-06**

**RESOLUTION APPROVING THE PLANS, SPECIFICATIONS,  
FORM OF CONTRACT, AND COST ESTIMATE FOR THE  
UP MUSEUM EXTERIOR HANDRAILS AND FIRE ESCAPES  
PROJECT #BM-23-04**

WHEREAS, the City of Council Bluffs desires to renovate the exterior of the UP Museum building; and

WHEREAS, funding for this project will be provided by GO Bonds; and

WHEREAS, the plans, specifications, form of contract, and cost estimate as prepared by Schemmer Associates Inc. are on file in the office of the city clerk.

NOW, THEREFORE BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the plans, specifications, form of contract, and cost estimate are hereby approved for the UP Museum Exterior Handrails and Fire Escapes Project and the City is hereby authorized to advertise for bids for said project.

ADOPTED  
AND  
APPROVED

January 9, 2023

---

Matthew J. Walsh, Mayor

ATTEST:

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Jodi Quakenbush, City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: TU-22-005  
Submitted by: Christopher Gibbons, AICP,  
Planning Manager

Resolution 23-07  
ITEM 4.C.

Council Action: 1/9/2023

<b>Description</b>
Resolution granting approval of a temporary use permit to operate a 'warming center' on property legally described as Lots 354 through 356 along with the north 1/2 of the vacated east/west alley adjacent, Belmont Addition. Location: 1607 Avenue I. TU-22-005
<b>Background/Discussion</b>
See attached staff report.
<b>Recommendation</b>

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	12/30/2022
<a href="#">Attachment A: Letter of Intent</a>	Letter	12/30/2022
<a href="#">Attachment B: Floor plan layout</a>	Other	12/30/2022
<a href="#">Attachment C: Location/zoning map</a>	Map	12/30/2022
<a href="#">Resolution 23-07</a>	Resolution	1/4/2023

### City Council Communication

Department: Community Development  CASE #TU-22-005  <u>Property Owner:</u> Stazzoni Property LLC 18320 Jaylen Drive Council Bluffs, IA 51503  <u>Applicant:</u> New Visions Homeless Services 1435 North 15 <sup>th</sup> Street Council Bluffs, IA 51501	Resolution No. _____	City Council: January 9, 2023
<b>Subject/Title</b>  <b>Request:</b> Temporary use permit to operate a warming center on property legally described as Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa.  <b>Location:</b> 1607 Avenue I, Council Bluffs, Iowa, 51501		
<b>Background/Discussion</b>  The Community Development Department has received an application from New Visions Homeless Services (NVHS), represented by Brandy Wallar, for a temporary use permit to allow a warming center on property located at 1607 Avenue I, being legally described as Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa. The purpose of this warming center is to provide a safe place for individuals experiencing street-level homelessness to escape from cold and/or wet wintery conditions, and to prevent said individuals from seeking refuge in abandoned buildings and structures in our community. The warming center will be open from January 10, 2023 through April 1, 2023 and will have hours of operations from 9:00 a.m. to 4:00 p.m., Monday through Friday. The applicant will provide individuals using the warming center hot meals (prepared off-site), clothing, hygiene items, transportation to other shelters (as needed), and case managers to assist them finding permanent/temporary housing. Staff with NVHS will also be on-site to monitor the individuals using this facility at all times.  The following attachments are included with this report: Attachment A – Letter of intent Attachment B – Floor plan layout Attachment C – Location/zoning map  Section 15.02.110 <u>Temporary Use Permit</u> , of the Municipal Code (Zoning Ordinance) provides for the issuance of temporary use permit(s) <i>‘for limited term activities or events which occur on private property within the City that may potentially create off-site impacts to surrounding properties and the neighborhood in which it will occur.’</i> The code further defines eight specific uses that are eligible to be issued a temporary use permit administratively. The proposed warming center is not one of the specified eight eligible uses.		



The procedure set forth in Code Section 15.02.110(C)(2) states that *‘temporary uses not specifically listed here shall require the specific approval of the City Council. Such uses may be allowed in any zoning district, provided that such temporary use is consistent with the purpose and intent of this Ordinance and the zoning district in which it is located.’*

Section 15.03.250, Definitions, of the Council Bluffs Municipal Code (Zoning Ordinance) defines ‘Emergency Shelter and Homeless Service Center’ as a *“facility managed by a public or non-profit agency providing emergency shelter for homeless individuals. This shall include other accessory uses, including transitional housing, meals sites with food preparation and other supportive services necessary to supervise, counsel and assist homeless and near homeless individuals”*. An ‘Emergency Shelter and Homeless Service Center’ land use is only allowed in an I-2/General Industrial District with issuance of a conditional use permit from the Council Bluffs Zoning Board of Adjustment. The proposed warming center is considered an ‘Emergency Shelter and Homeless Service Center’, as per the zoning definition stated above, and is not classified as a temporary use that can be administratively approved by City staff. Therefore, City Council must approve the issuance of a temporary use permit in order for the proposed warming center to be allowed on the subject property.

All City Departments were notified of the proposed temporary use permit request. The following comments were received:

Council Bluffs Community Development Department stated the following:

1. The subject property contains .37 acres (16,200 square feet) and is zoned C-2/Commercial District. Per Section 15.15 of the CBMC (Zoning Ordinance), the C-2 District which is intended *“to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods”*. Surrounding zoning and land uses in the general vicinity includes:
  - a. North – Gibbs Rentals (zoned C-2 District) and three single-family residential dwellings (zoned R-1 District);
  - b. East – Undeveloped land and a non-conforming single-family residential dwelling (zoned C-2 District);
  - c. South – One non-conforming single-family residential dwelling (zoned C-2 District) along with two undeveloped lots and two single-family residential dwellings (zoned R-1 District); and
  - d. West – Two single-family residential dwellings (zoned R-1 District).
2. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Local Commercial.
3. On January 10, 2022, the Council Bluffs City Council approved Resolution No. 22-11, which authorized approval of a temporary use permit for New Visions Homeless Services to operate an emergency shelter and warming center on the subject property from January 11, 2022 to April 15, 2022. The applicant abided by all conditions of the temporary use permit and there were no incidents of criminal and/or violent behavior from individuals using the emergency shelter/warming center reported to the Council Bluffs Police Department while the facility operated.

Council Bluffs Fire Department stated the following:

1. No person(s) shall occupy the mezzanine and the door leading to said area shall be locked at all times;
2. Smoke and carbon monoxide detectors shall be installed and all fire extinguishers must be serviced and have a current tag;
3. All exit and emergency lighting shall be functional at all times; and
4. The maximum occupant load for the warming center area shall not exceed 36 people.

Council Bluffs Permits and Inspections Division stated they have no comments or objections for the temporary use permit request.

Council Bluffs Public Works Department stated they have no comments for the temporary use permit request.

Council Bluffs Police Department stated they have no objection to the temporary use permit request.

Public notices were mailed to all property owners within 200 feet of the subject property and to all public facilities (e.g., Council Bluffs School District and Charles E. Lakin Campus) located within close proximity of the subject property. No comments in opposition of the request were received.

### **Recommendation**

The Community Development Department recommends approval of the temporary use permit request by New Visions Homeless Services to allow a ‘warming center’ on property legally described as being Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

1. The warming center shall be allowed to operate from January 10, 2023 through April 1, 2023 and shall be allowed hours of operations from 9:00 a.m. to 4:00 p.m., Monday through Friday;
2. Staff from New Visions Homeless Services must be present on-site at all times during the hours of operation;
3. The warming center shall not be used as an emergency overnight shelter and all hot meals provided to individuals at the warming center shall be prepared off-site;
4. The applicant shall maintain the property in a clean and orderly manner at all times for the duration of the temporary use permit;
5. No person(s) shall be allowed to loiter and/or utilize any automobile, recreational vehicle, tent, and/or other makeshift alternative for sleeping and/or housing purposes on the subject property;
6. City Council shall have the authority to revoke the temporary use permit at any time if the warming center becomes unsafe, a public nuisance, or disrupts the surrounding neighborhood; and
7. Any extension of time for the temporary use permit shall be reviewed by City Council.

Attachment A: Letter of Intent

Attachment B: Floor plan layout

Attachment C: Location/zoning map

Prepared by: Christopher Gibbons, AICP, Planning Manager

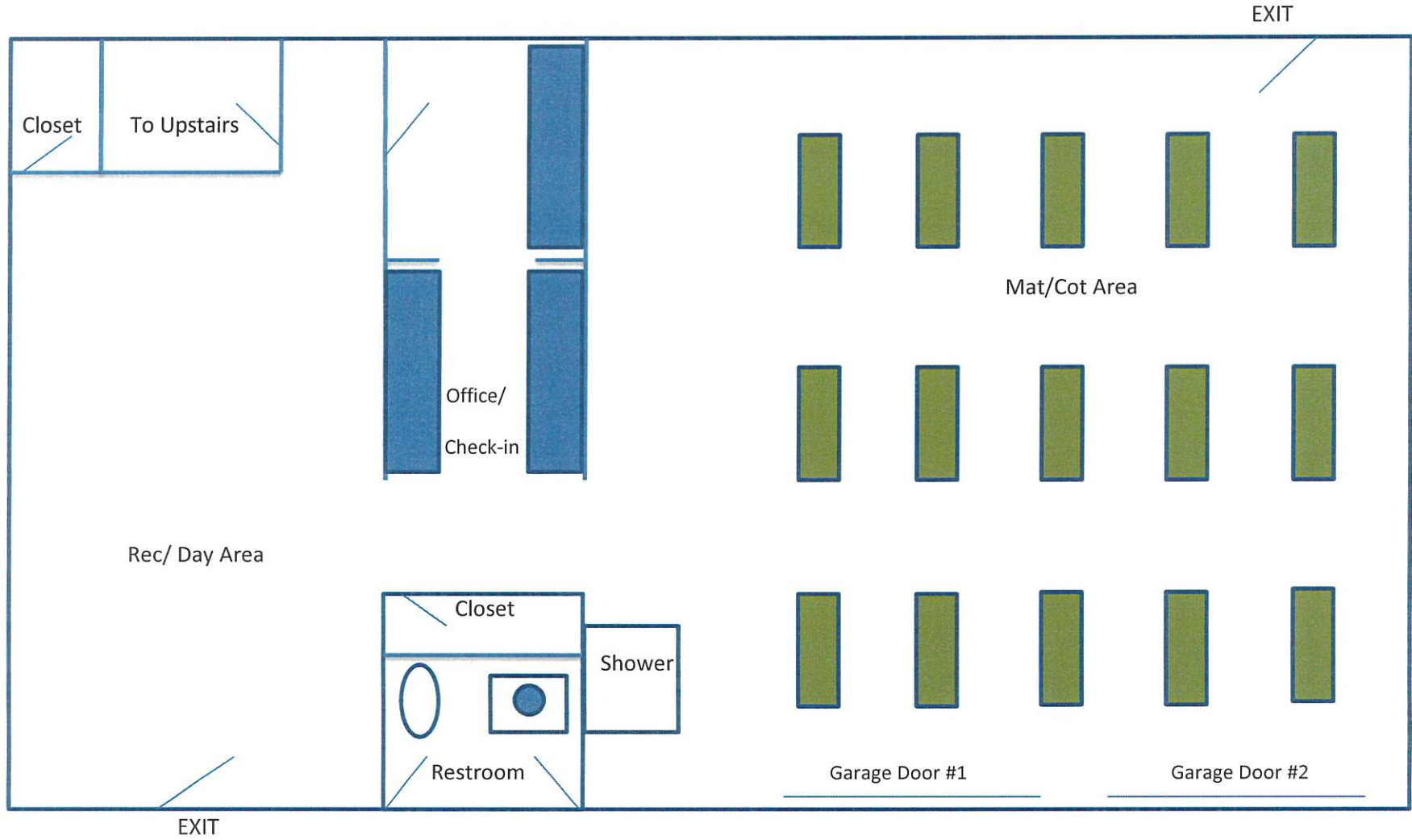


New Visions Homeless Services (NVHS) would like to occupy a building located at 1607 Avenue I to serve as a temporary warming center in Council Bluffs. A warming center is a short-term emergency shelter that operates when temperatures or a combination of precipitation, wind chill, and become dangerously inclement to human life. The purpose of the warming center is to prevent death and injury from exposure to the elements and also avoid destruction to community property as some individuals seek refuge in abandoned buildings and structures. The warming shelter would be operational during the winter months of January through April if still needed due to colder temperatures. This will be a temporary service that will be provided to the city and once the warming center is closed, NVHS will then resume offering all programming out the main campus located at 1435 N. 15<sup>th</sup> St., Council Bluffs, IA.

NVHS's Warming Center will center on the circumstances of persons who are unsheltered due to a personal state of homelessness and who, for one reason or another, do not utilize existing homeless shelters. There are many reasons why individuals opt not to stay at shelters be it wait lists or a variety of other circumstances.

The goal of NVHS's warming center is to be open and staffed from 9:00 a.m.-4:00 p.m. Monday through Friday. The warming center will offer hot meals, clothing, hygiene items, the availability to work with a case manager to help offer solutions to their homeless crisis and transportation to other shelters as needed. NVHS's will also coordinate with outside programs to help serve this population. The warming center is crucial to our community as there has been an increase of women experiencing street-level homelessness and couples living in their vehicles. During the last season at the warming center, it averaged seeing 25-40 individuals each day and approximately half of them were women.

## Attachment B





# CITY OF COUNCIL BLUFFS - CITY COUNCIL CASE #TU-22-005 LOCATION/ZONING MAP

Attachment C

**Legend**

- CASE TU-22-005 Subject Property
- Parcels

0 50 100  
1 inch = 100 feet

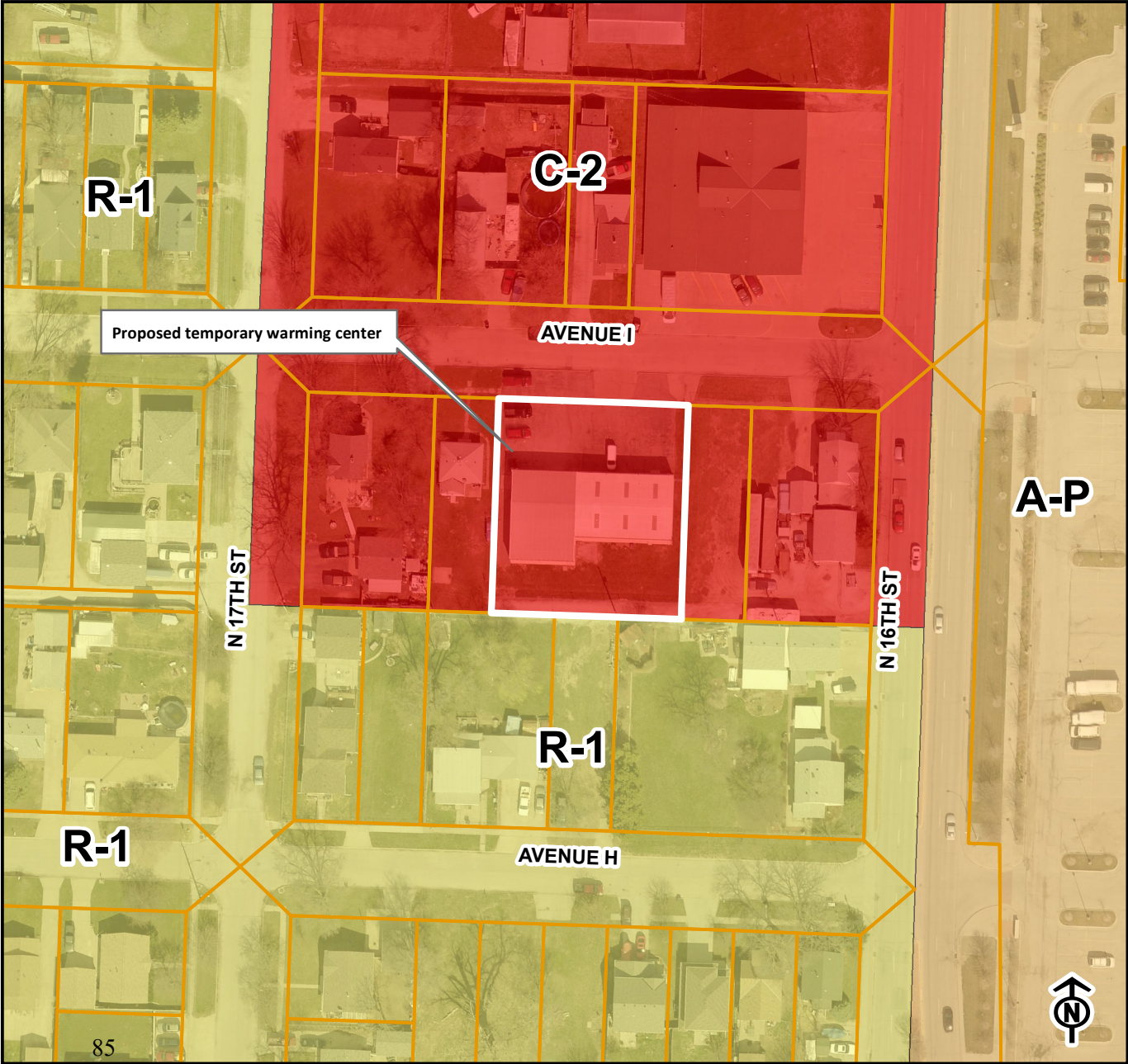


Last Amended: 12/12/2022



Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**DISCLAIMER**  
This map is prepared and compiled from  
City documents, plans and other public  
records data. Users of this map are  
hereby notified that the City expressly  
denies any and all responsibilities for errors,  
if any, in the information contained on this  
map, the misuse of the same by the user  
or anyone else. The user should verify the  
accuracy of information/data contained on  
this map before using it. The City assumes  
no legal responsibility for the information  
contained on this map.



## RESOLUTION NO. 23-07

**A RESOLUTION GRANTING APPROVAL OF A TEMPORARY USE PERMIT TO OPERATE A ‘WARMING CENTER’ ON PROPERTY LEGALLY DESCRIBED AS LOTS 354 THROUGH 356 ALONG WITH THE NORTH ½ OF THE VACATED EAST/WEST ALLEY ADJACENT, BELMONT ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** New Visions Homeless Services (NVHS), represented by Brandy Waller, has applied for a temporary use permit to allow a ‘warming center’ on property located at 1607 Avenue I (Legal Description: Lots 354 through 356, along with the north ½ of the vacated east/west alley adjacent, Belmont Addition); and

**WHEREAS,** The proposed facility will be used as a temporary warming center for individuals experiencing street-level homelessness; and

**WHEREAS,** The facility will be open 9:00 a.m. to 4:00 p.m. daily and will operate from January 10, 2023 to April 1, 2023; and

**WHEREAS,** The following comments for the proposed temporary use permit are summarized below:

Council Bluffs Community Development Department stated the following:

- A. The subject property contains .37 acres (16,200 square feet) and is zoned C-2/Commercial District. Per Section 15.15 of the CBMC (Zoning Ordinance), the C-2 District which is intended “*to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods*”. Surrounding zoning and land uses in the general vicinity includes:
  1. North – Gibbs Rentals (zoned C-2 District) and three single-family residential dwellings (zoned R-1 District);
  2. East – Undeveloped land and a non-conforming single-family residential dwelling (zoned C-2 District);
  3. South – One non-conforming single-family residential dwelling (zoned C-2 District) along with two undeveloped lots and two single-family residential dwellings (zoned R-1 District); and
  4. West – Two single-family residential dwellings (zoned R-1 District).
- B. The future land use plan of the Bluffs Tomorrow: 2030 Comprehensive Plan designates the subject property as Local Commercial.
- C. On January 10, 2022, the Council Bluffs City Council approved Resolution No. 22-11, which authorized approval of a temporary use permit for New Visions Homeless Services to operate an emergency shelter and warming center on the subject property from January 11, 2022 to April 15, 2022. The applicant abided by all conditions of the temporary use permit and there were no incidents of criminal and/or violent behavior from

individuals using the emergency shelter/warming center reported to the Council Bluffs Police Department while the facility operated.

Council Bluffs Fire Department stated the following:

- A. No person(s) shall occupy the mezzanine and the door leading to said area shall be locked at all times;
- B. Smoke and carbon monoxide detectors shall be installed and all fire extinguishers must be serviced and have a current tag;
- C. All exit and emergency lighting shall be functional at all times; and
- D. The maximum occupant load for the warming center area shall not exceed 36 people.

Council Bluffs Permits and Inspections Division stated they have no comments or objections for the temporary use permit request.

Council Bluffs Public Works Department stated they have no comments for the temporary use permit request.

Council Bluffs Police Department stated they have no objection to the temporary use permit request.

Public notices were mailed to all property owners within 200 feet of the subject property and to all public facilities (e.g., Council Bluffs School District and Charles E. Lakin Campus) located within close proximity of the subject property. No comments in opposition of the request were received.

**WHEREAS,** The Community Development Department recommends approval of the temporary use permit request by New Visions Homeless Services to allow a ‘warming center’ on property legally described as being Lots 354 through 356 along with the north ½ of the vacated east/west alley adjacent, Belmont Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the comments stated above and the following conditions:

- A. The warming center shall be allowed to operate from January 10, 2023 through April 1, 2023 and shall be allowed hours of operations from 9:00 a.m. to 4:00 p.m., Monday through Friday;
- B. Staff from New Visions Homeless Services must be present on-site at all times during the hours of operation;
- C. The warming center shall not be used as an emergency overnight shelter and all hot meals provided to individuals at the warming center shall be prepared off-site;
- D. The applicant shall maintain the property in a clean and orderly manner at all times for the duration of the temporary use permit;
- E. No person(s) shall be allowed to loiter and/or utilize any automobile, recreational vehicle, tent, and/or other makeshift alternative for sleeping and/or housing purposes on the subject property;
- F. City Council shall have the authority to revoke the temporary use permit at any time if the warming center becomes unsafe, a public nuisance, or disrupts the surrounding neighborhood; and

- G. Any extension of time for the temporary use permit shall be reviewed by City Council.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the temporary use permit is hereby approved subject to the comments and conditions set forth above.

ADOPTED  
AND  
APPROVED: January 9, 2023.

\_\_\_\_\_  
Matthew J. Walsh Mayor

ATTEST: \_\_\_\_\_  
Jodi Quakenbush City Clerk



## Council Communication

Department: Community Development  
Case/Project No.: URV-22-010  
Submitted by: Marianne Collins, Housing &  
Economic Development Planner

Resolution 23-08  
ITEM 4.D.

Council Action: 1/9/2023

<b>Description</b>
Resolution continuing the Public Hearing for the Urban Revitalization Plan for the Amended Veterans Memorial Highway Urban Revitalization Area. URV-22-010
<b>Background/Discussion</b>
See attached staff report.
<b>Recommendation</b>

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	1/4/2023
<a href="#">Attachment A: Boundary Map</a>	Map	1/4/2023
<a href="#">Attachment B: 2022 Amendment to the Veterans Memorial Highway Urban Revitalization Plan</a>	Other	1/4/2023
<a href="#">Resolution 23-08</a>	Resolution	1/4/2023

## Council Communication

Department: Community Development  Case No.: URV-22-007  Submitted by: Housing & Economic Development	Resolution No.: 23-	Resolution of Intent: 11/28/2023 Planning Commission: 1/10/2023 Public Hearing & First Reading: 1/23/2023 Second Reading: 2/13/2023 Third Reading: Request to Waive
<b>Subject/Title</b> To continue the establishment of the 2022 Amendment to the Veterans Memorial Highway Urban Revitalization Area.		
<b>Location</b> Properties addressed as 706 and 800 Veterans Memorial Highway.		
<b>Background/Discussion</b> <u>Background</u> Chapter 404 of the Iowa Code authorizes a City to designate an area as an urban revitalization area. Improvements to qualified real estate within designated areas may then be eligible to receive a total or partial exemption from property taxes for a specified number of years. The exemptions are intended to stimulate private investment by reducing the tax increase that would normally result from making improvements to real estate property.  Urban revitalization tax abatement incentives can apply to residential, commercial and industrial development. Both new construction on vacant or unimproved land and rehabilitation of existing structures are eligible for tax abatement.  On May 4, 2020, City Council adopted Resolution No. 20-118 approving the Veterans Memorial Highway Urban Revitalization Plan. Subsequent to this action, Ordinance No. 6049 was adopted on May 18, 2020, which established the Urban Revitalization Area.  The Community Development Department wishes to amend the Urban Revitalization Area by adding one additional parcel with development potential. McGregor Interests, Inc. has a purchase agreement with the current owner of the subject property and intends to expand their commercial storage facility known as 'Lockbox Storage' at 800 Veterans Memorial Highway. This is one of the multiple locations of 'Lockbox Storage' across Iowa and Nebraska. McGregor Interests, Inc. proposes to construct an additional storage building and thirty-three (33) total parking spaces to provide exterior storage for boats, recreational vehicles (RVs), trailers and campers on the subject property. Staff has prepared an amendment to the Plan in accordance with Section 404.2 of the Iowa Code. The amendment consists of adding approximately 1.86 acres to the existing area.  <u>Discussion</u> Iowa Code permits the City to establish urban revitalization areas which satisfy one of the five conditions outlined in Section 404.1. Staff believes this project meets the criteria under 404.1.2. Section 404.1.2 discusses an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth		

## Council Communication

of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, or welfare in its present condition and use.

On November 28, 2022, City Council approved Resolution 22-298, which directed staff to initiate the process of creating the 2022 Amendment to the Veterans Memorial Highway Urban Revitalization Plan and Area. This resolution set January 9, 2023 as the date of the public hearing.

This matter was unable to go before the City Planning Commission was unable to convene December 21, 2022 to approve the Amended Veterans Memorial Highway Revitalization Plan. We are requesting Council to continue the approval of the Amended Veterans Memorial Highway Revitalization Plan to January 23, 2023.

### Attachments

- A) Boundary Map
- B) 2022 Amendment to the Veterans Memorial Highway Urban Revitalization Plan

Prepared by: Marianne Collins, Housing & Economic Development Planner, Community Development Department

Approved by: Courtney Harter, Director Planning & Community Development, Community Development Department

## Proposed Amended Veterans Memorial Highway Urban Revitalization Area: Boundary Map





# 2022 Amendment to the Veterans Memorial Highway Urban Revitalization Plan



Prepared by  
Community Development Department  
City of Council Bluffs, Iowa

Original Area Adopted by  
City Council on May 18, 2020  
Amended \_\_\_\_\_, 2023

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## **INTRODUCTION**

On May 18, 2020, the City of Council Bluffs City Council adopted Ordinance No. 6409, which established the Veterans Memorial Highway Urban Revitalization Area. This revitalization area consisted of one parcel of land that was located north of Veterans Memorial Highway totaling 6.18 acres in size.

The newly proposed amendment will add one additional parcel to the existing Veterans Memorial Highway Urban Revitalization Plan for a total of 8.04 acres.

The Urban Revitalization Act empowers a municipality to designate an area appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.

The City of Council Bluffs wishes to utilize property tax abatement incentives under the Urban Revitalization act to facilitate renovation of a blighted area. The preparation and subsequent adoption of an Urban Revitalization Plan is required by the Iowa Code prior to the provision of property tax abatement.

Section 404.1 of the Iowa Code stipulates that the Council may, by ordinance, designate an area of the City as the revitalization area, if that area is classified as any of the following:

1. An area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, the existence of conditions which endanger life or property by fire and other causes or a combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency or crime and which is detrimental to the public health, safety or welfare.
2. An area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, incompatible land use relationships, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the actual value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or a combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety or welfare in its present condition and use.
3. An area in which there is a predominance of buildings or improvements which by reason of age, history, architecture or significance should be preserved or restored to productive use.
4. An area which is appropriate as an economic development area as defined in Section 403.17(10) of the Iowa Code which states “an area of a municipality designated by the

local governing body as appropriate for commercial and industrial enterprises, public improvements related to housing and residential development, or construction of housing and residential development for low and moderate income families, including single or multifamily housing.”

5. An area designated as appropriate for public improvements related to housing and residential development, or construction of housing and residential development, including single or multifamily housing.

In May 2020, the City of Council Bluffs adopted the Veterans Memorial Highway Urban Revitalization Area under the criteria of element 2. The City now desires to amend the Plan and Area (herein referred to as the “Amended Plan” and “Amended Area”). Consequently, on November 28, 2022, the City Council adopted Resolution No. 22- , which directed staff to prepare an amended plan for the proposed additional revitalization area. Illustration 1 is the City Council Original Resolution.



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**Veterans Memorial Highway Urban Revitalization Area  
Illustration 1 – Original Resolution**

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**RESOLUTION NO. 20-118**

**A RESOLUTION APPROVING THE URBAN REVITALIZATION PLAN FOR THE VETERANS MEMORIAL HIGHWAY URBAN REVITALIZATION AREA.**

- WHEREAS,** the City of Council Bluffs has the authority under Chapter 404 of the Iowa Code to declare an area to be an urban revitalization area; and
- WHEREAS,** on March 23, 2020, the City Council adopted Resolution 20-69, which directed staff to prepare a plan for the Veterans Memorial Highway Urban Revitalization Area and set a public hearing for May 4, 2020; and
- WHEREAS,** on April 14, 2020, the City Planning Commission reviewed the Veterans Memorial Highway Urban Revitalization Plan and found it consistent with the goals and objectives of the City's *Bluffs Tomorrow: 2030 Plan* which is the general plan for the development of the City of Council Bluffs; and
- WHEREAS,** the current property is in poor condition and requires significant site improvements for redevelopment; and
- WHEREAS,** the proposed project will improve the aesthetics of Veterans Memorial Highway, a major thoroughfare in the City of Council Bluffs; and
- WHEREAS,** after careful study and consideration, this City Council finds that the development of the area is necessary in the interest of the public health, safety and/or welfare of the residents of the City.

**NOW, THEREFORE BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City Council hereby approves the Veterans Memorial Highway Urban Revitalization Plan.

ADOPTED  
AND  
APPROVED

May 4, 2020

  
\_\_\_\_\_  
Matthew J. Walsh Mayor

ATTEST:

  
\_\_\_\_\_  
Jodi Quakenbush City Clerk

Case #URV-20-001

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**Veterans Memorial Highway Urban Revitalization Area  
Illustration 2 – Amended Plan Resolution**

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF NECESSITY AND INTENT TO AMEND THE VETERANS MEMORIAL HIGHWAY  
URBAN REVITALIZATION AREA.**

- WHEREAS, the subject area is an appropriate area as defined in Section 404.1.2 of the Iowa Code; and
- WHEREAS, on May 4, 2020, City Council adopted resolution No. 20-118 approving the Veterans Memorial Highway Urban Revitalization Plan; and
- WHEREAS, the Community Development Department recommends amending the plan to add an additional parcel to the revitalization area; and
- WHEREAS, an amended plan must be developed in accordance with Section 404.2 of the Iowa Code; and
- WHEREAS, thirty days' notice of public hearing is required to be sent to all property owners and occupants within the area; and
- WHEREAS, notice of public hearing is also required in accordance with Section 362.3 of the Iowa Code.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the development of the area is necessary in the interest of the City and the area substantially meets the criteria of Section 404.1.2.

**BE IT FURTHER RESOLVED**

That the City Council directs staff to prepare a final plan pursuant to Section 404.2 of the Iowa Code by no later than December 6, 2022.

**BE IT FURTHER RESOLVED**

That the City Council directs the City Clerk to set this matter for public hearing on January 9, 2023.

**ADOPTED  
AND  
APPROVED:**

November 28, 2022

\_\_\_\_\_  
Matthew J. Walsh

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
Jodi Quakenbush

\_\_\_\_\_  
City Clerk

## **LEGAL DESCRIPTION**

The amended Veterans Memorial Highway Urban Revitalization Area is a tract of land containing parcel numbers 744412351011 and 744412351010, legally described as:

The North 660 feet of the NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 12-74-44, except the West 250 feet, and the West 16.5 feet of the South 20 feet north of the highway in the SE  $\frac{1}{4}$  SW  $\frac{1}{4}$  of Section 12-74-44 and commencing at a point 660 feet East of the NW corner of the SW  $\frac{1}{4}$  of the SW quarter of section 12, thence South 660 feet, thence East 250 feet, thence North 660 feet, thence West 250 feet to the place of beginning, subject to right of ways of public highway City of Council Bluffs, Pottawattamie County, Iowa

Illustration 3 shows the location and the boundary of the amended Veterans Memorial Highway Urban Revitalization Area, which consists of 8.04 acres.

### **Veterans Memorial Highway Urban Revitalization Area**

**Illustration 3 – Boundary**



## **PROPERTY OWNERS AND ASSESSED VALUATIONS**

The amended Veterans Memorial Highway Urban Revitalization Area will be comprised of 8.04 acres on two parcels of land owned by MemorialC2 Trust and McGregor Interests, Inc. McGregor Interests, Inc. has a purchase agreement with the current owner MemorialC2 Trust. MemorialC2 Trust currently operates Lake Manawa Mobile Home Park on the property.

Valuation was obtained from the records of the Pottawattamie County Assessor.

<b>Parcel Number</b>	<b>Zoning</b>	<b>Owner &amp; Address</b>	<b>Land Valuation</b>	<b>Dwelling Valuation</b>	<b>Building Valuation</b>	<b>Total Valuation</b>
744412351011	I-2/ General Industrial District	McGregor Interests, Inc. 706 Veterans Memorial Hwy Council Bluffs, IA 51501	\$763,500	\$ -	\$3,160,300	\$3,923,800
744412351010	I-2/ General Industrial District	MemorialC2 Trust 800 Veterans Memorial Hwy Council Bluffs, IA 51501	\$186,000	\$48,700	\$ -	\$234,700

## **EXISTING ZONING AND PROPOSED LAND USE**

Amended Veterans Memorial Highway Urban Revitalization Area is currently zoned I-2. The I-2/General Industrial District is intended to provide for the development of general manufacturing and industrial areas. This district is designed to accommodate industrial uses with moderate external effects.

The proposed principal use of the amended Veterans Memorial Highway Urban Revitalization Area is 'commercial storage,' which is a permitted use in an I-2/General Industrial District. A conditional use permit is required for the ancillary exterior storage component proposed by the McGregor Interests, Inc. The conditional use permit was granted by the Zoning Board of Adjustment on 1/21/2020.

Surrounding properties to the west, north and northeast are also zoned I-2. Properties east of the subject property are zoned C-2/Commercial District. The majority of properties south of Veterans Memorial Highway are also zoned C-2. There is also some land southeast of the subject property that is zoned R-4/High Density Multi-Family Residential District and R-3/Low Density Multi-Family Residential District. Illustration 4 depicts the existing on-site and surrounding zoning.

Existing land uses in the general vicinity include: a truck equipment supplier and dealer to the north; a tire shop to the east; a restaurant, a gas station, a clothing store, a medical clinic, a window supplier, a sign shop and an automotive repair shop to the southwest; and multiple residential uses to the west and across Veterans Memorial Highway to the

southeast. Additionally, two non-conforming residential structures abut the subject property to the southeast.

The future land use map of the *Bluffs Tomorrow: 2030 Comprehensive Plan* designates the subject property as Local Commercial. The plan defines “Local Commercial” as areas that include *“uses oriented primarily towards goods and services that meet the demand of Council Bluffs residents. These include grocery stores, convenience stores, pharmacies, banks, auto services, and small offices. They are typically located along visible corridors or at neighborhood centers, and may be configured as multi-tenant shopping centers or individual developments on smaller lots.”*

McGregor Interests, Inc. currently owns a portion of the subject property and has a purchase agreement with the current owner for the remaining portion of the subject property. McGregor Interests, Inc. intends to redevelop the additional portion to expand the current commercial storage facility to be known as ‘Lockbox Storage.’ The proposed location at 800 Veterans Memorial Highway will be one of the multiple locations of ‘Lockbox Storage’ across Iowa and Nebraska.

McGregor Interests, Inc. proposes to construct an additional storage building, approximately 23,300 square feet, on the subject property. The site can be accessed through two existing entrances located along the service road that runs parallel to Veterans Memorial Highway. Electronic gates will be installed at these two access points. The west entrance will serve as the main access point to the site while the gate at the east entrance will be locked at all times and only be used as an emergency access point. A keypad will allow customers to access the site through the main gate.

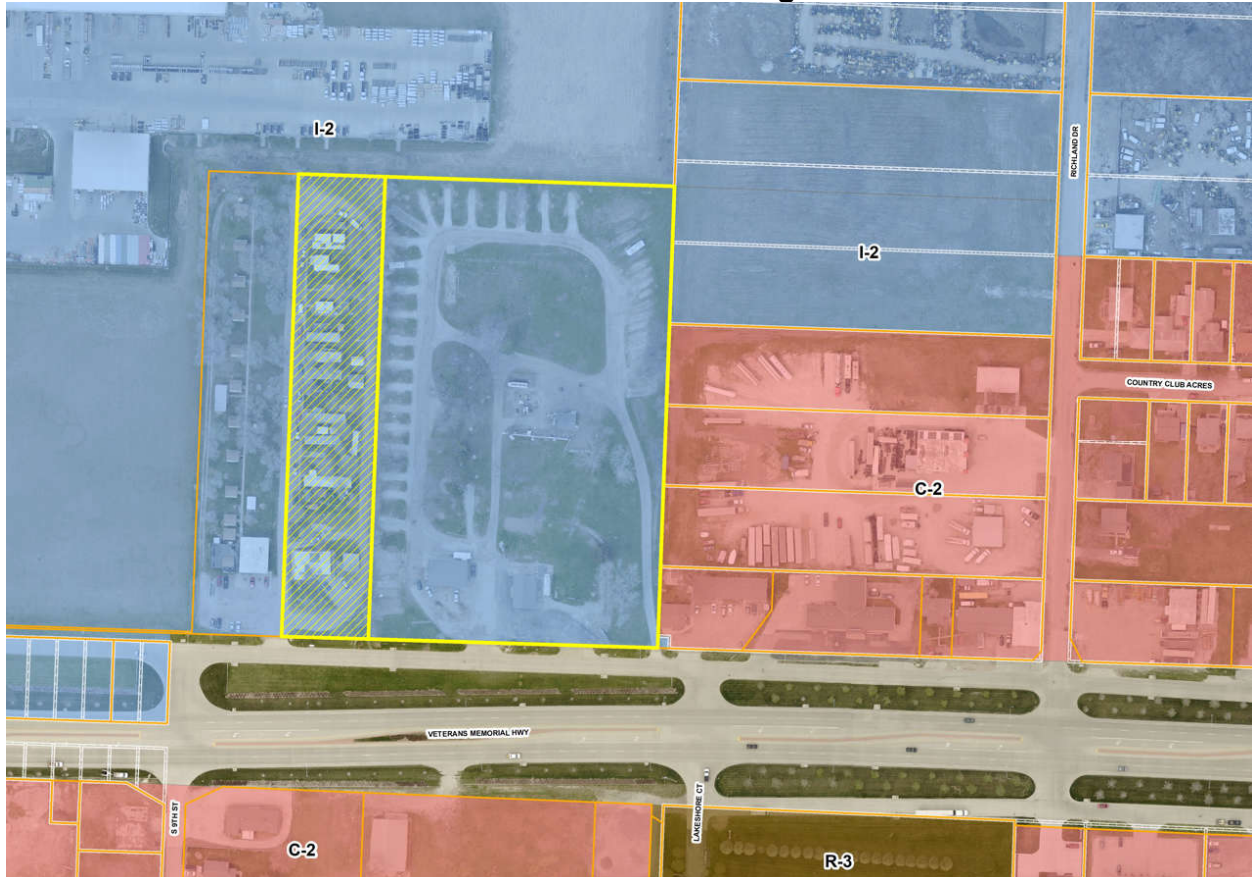
The site plan also shows thirty-three (33) total parking spaces will be provided on the subject property. McGregor Interests, Inc. proposes to provide exterior storage for boats, recreational vehicles (RVs), trailers and campers as an ancillary use.



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**Amended Veterans Memorial Highway Urban Revitalization Area**  
**Illustration 4 – Zoning**

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**PROPOSALS FOR IMPROVING OR EXPANDING CITY SERVICES**

The amended Veterans Memorial Highway Urban Revitalization Area is currently served with all municipal services (sanitary sewer, water and storm sewer) and can be accessed by a dedicated roadway. Electricity and gas service are also available to the project. The project is located along Veterans Memorial Highway, which is adequate to handle the additional traffic generated by this proposed project.

## **RELOCATION PROVISIONS**

The Amended Veterans Memorial Highway Urban Revitalization Area has one commercial entity operated by the current owner at the 800 Veterans Memorial Hwy location. The property owner will provide at least sixty (60) days' notice to all tenants to relocate. If either a residential or non-residential tenant relocation occurs as a result of actions taken by a developer qualifying for the benefits under the Urban Revitalization Act, the tenant shall receive compensation from the developer of one month's rent and actual moving expenses, provided that the tenant has occupied the same unit continuously for a one year period prior to the adoption of this plan. No federal funds shall be provided back to the owner. The City is not responsible for any relocation expenses or lawsuits that may arise from this relocation.

## **OTHER PUBLIC ASSISTANCE**

The developer is requesting property tax exemption. The developer has not requested any additional public assistance.

## **APPLICABILITY AND TAX EXEMPTION SCHEDULE**

1. Eligibility – The Amended Veterans Memorial Highway Urban Revitalization Plan will apply to commercial and industrial land uses.

Both new construction and rehabilitation of existing structures will be eligible for tax abatement under the plan. Rehabilitation may include renovation of a structure to bring it to code standards, remodeling and expansion.

2. Term - The term of this Plan shall be until December 31, 2042 or amended by City Council.

3. Commercial and Industrial

Ten Year - All eligible commercial and industrial real estate is eligible to receive a partial exemption from taxation on the actual value added by the improvements. The exemption is for a period of ten years. The amount of the partial exemption is equal to a percent of the actual value added by the improvements, determined as follows:

- a. For the first year, eighty percent.
- b. For the second year, seventy percent.
- c. For the third year, sixty percent.
- d. For the fourth year, fifty percent.
- e. For the fifth year, forty percent.
- f. For the sixth year, forty percent.
- g. For the seventh year, thirty percent.
- h. For the eighth year, thirty percent.
- i. For the ninth year, twenty percent.
- j. For the tenth year, twenty percent.

-OR-

Three Year - All eligible commercial and industrial real estate is eligible to receive a one hundred percent exemption from taxation on the actual value added by the improvements. The exemption is for a period of three years.

4. Improvements - Improvements shall include commercial and industrial rehabilitation and additions to existing structures as well as new construction on vacant land or on land with existing structures. In addition, all improvements must result in the following increases in value:

- For non-residential property, improvements must increase the actual value of the structure by at least 15%. If more than one building is located on the property, the 15% increase requirement applies only to the structure or structures upon which the improvements were made.
- If no structures were located on the property prior to the improvements, any improvements may qualify.

5. Actual Value - Actual value added by the improvements means the actual value added as of the first year for which the exemption was received. However, if such construction was begun one year prior to the adoption by the City of a Plan of Urban Revitalization pursuant to Chapter 404 of the Iowa Code, the value added by such construction, shall not constitute an increase in value for purposes of qualifying for the exemptions listed in this section.

## **APPLICATION AND REVIEW PROCESS**

Upon completion of all improvements made within the assessment year for which the exemption is first claimed, the owner shall use the following procedure to secure the tax exemption.

1. The applicant requests a conference with the Community Development Department to discuss applicability of the request to established policy and review the application process.
2. The applicant completes the required forms and submits them along with all required data by February 1<sup>st</sup> to the Community Development Department. As part of the acceptance procedure, the Community Development Department shall review the submission for completeness. If there is a deficiency, the Department shall notify the applicant within seven (7) days.
3. The Department shall review the application according to the following criteria: 1) conformance with the Urban Revitalization Plan; 2) a finding that the site is within a designated area; 3) a finding that the work has been completed within the time required to qualify for abatement in the assessment year; 4) a finding that the application is consistent with Chapter 404 of the Iowa Code; and 5) a finding that the application is consistent with all applicable city codes and ordinances.



4. Upon review of the application, the Community Development Department will prepare a recommendation and schedule the proposal for City Council consideration.
5. By resolution, the City Council will accept the application and improvements as consistent with the intent of this plan and state law.
6. The City Council will then direct the Community Development Department to transmit a copy of the case file to the Assessor's Office by March 1<sup>st</sup> as required by Chapter 404 of the Iowa Code.

# ATTACHMENT A

[Find Property](#) [Res Sales](#) [Comm/Find Sales](#)

7444 12 351 011  
 --- Permanent Property Address --- ----- Mailing Address -----  
 TOMES INC TOMES INC  
 706 VETERANS MEMORIAL HWY 706 VETERANS MEMORIAL HWY  
 COUNCIL BLUFFS, IA 51501 COUNCIL BLUFFS, IA 51501

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District: 002 CO BLUFFS CITY/LC SCHOOL  
 REAL ESTATE TAXES ON TREASURER'S WEBPAGE  
 Go to: <https://www.municipalonlinepayments.com/pottawattomiscoia/tax/search/detail/744412351011>

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TAX DESCRIPTION\*  
 \* Not to be used on legal documents

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SECTION 12-74-44 EXC W250' N660' NE SW  
 ASSESSED VALUE  
 \* Class is for Assessment purposes only - Not Zoning

land	dwelling	land	building	total	ag acres	year	class*
\$309,000	\$0		\$101,000	\$410,000		2018	C
\$309,000	\$0		\$101,000	\$410,000		2019	C

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EXEMPTIONS & CREDITS  
 2018 BPTC \$3,362.75

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OWNERS  
 \* Book/Page LINKS TO RECORDER'S WEBPAGE  
 1 D TOMES INC book/page:

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ASSESSMENT DATA  
 PDF: 8 MAP: 21-8 C.B COMMERCIAL  
 Interior Listing: Estimated Date Listed: 03/11/2016 JAC Date Reviewed: 03/06/2019 GMS

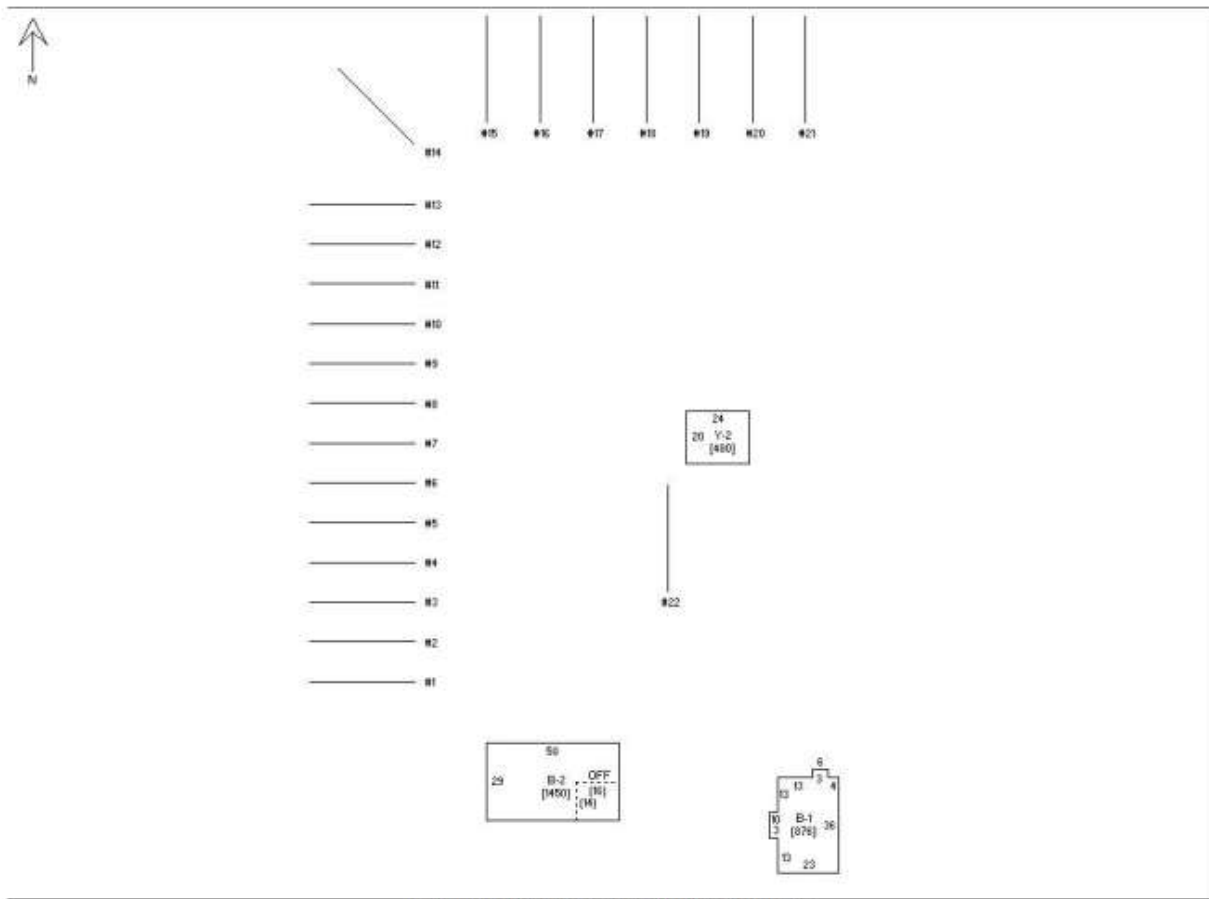
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LAND.....269200 sqft 6.18 acres

Commercial Building 1 of 3 -- Store - Retail Small (201)  
 DBA: TOMES RV PARK CAMPING  
 STRUCTURE....1 story 876 base SF 0 bsmt SF 876 gross SF  
 Year Built: 1930 Eff Year: 1930 Condition: Normal  
 VERTICALS....Foundation: C'Blk or Tile w/o Bsmt  
 Ext Wall: Alum - Frame  
 Int Wall: Panel - Softwood  
 Panel - Hardwood  
 Front/Doors: Incl. w / Base  
 Windows: Incl. w / Base  
 HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
 Ceiling: Suspended Blk-Fiber  
 Struc Floor: 4" R'Concrete  
 Floor Cover: Asphalt Tile  
 Partitions: Retail Store(Small)  
 Framing: Wood - Average  
 HVAC: Suspended Unit Heater (Gas)  
 Lighting: Retail Store (Small)  
 ADJUSTMENTS..A/C - deduct (876)

Commercial Building 2 of 3 -- Metal Shop - Steel Frame (605)  
 DBA: TOMES RV PARK CAMPING  
 STRUCTURE....1 story 1450 base SF 0 bsmt SF 1450 gross SF  
 Year Built: 1930 Eff Year: 1930 Condition: Normal  
 VERTICALS....Foundation: Reinforced Concrete w/o Bsmt  
 Ext Wall: Metal Sandwich Panel - 2"  
 Int Wall: Unfinished  
 Front/Doors: Incl. w / Base  
 Windows: Incl. w / Base  
 HORIZONTALS..Roof: Asph. Shingle/ Wood Dk  
 Ceiling: Metal Liner  
 Struc Floor: 6" R'Concrete  
 Partitions: Incl. w / Base  
 Framing: Steel - Average  
 HVAC: Suspended Unit Heater (Gas)  
 Lighting: Service Station With Bays  
 PLUMBING.....Toilet Room (2)  
 BLDG EXTRAS..2 Door: O.H. Door - Manual, 10 Ft Wide, 10 Ft High

Commercial Building 3 of 3 -- Manufactured Home Park (703)  
 DBA: TOMES RV PARK CAMPING  
 STRUCTURE....0 story 0 base SF 0 bsmt SF 0 gross SF  
 Year Built: 1962 Eff Year: 1962 Condition: Normal  
 YARD EXTRAS..Paving - Asphalt 16,500 SF, Asphalt Parking  
 Garage 480 SF, Frame  
 Fencing - Chain No Barbs, 6 Ft-Hgh, 1,475 LF, 0 LF-Gates



706 VETERANS MEMORIAL HWY, TOME'S INC



706 VETERANS MEMORIAL HWY, TOME'S INC, 1 03/11/2016



706 VETERANS MEMORIAL HWY, TOMES INC, 2 03/11/2016

[Zoom Out](#) [Zoom In](#)



1200ft x 1200ft

[Click any parcel to go to its web page](#)  
See [more maps](#) at the [County GIS Department](#).

As of:

[Find Property](#) [Res Sales](#) [Comm/Ind Sales](#)

## Attachment B

[Find Property](#)   [Res Sales](#)   [Comm/Ind Sales](#)

7444 12 351 011

--- Permanent Property Address ---

MCGREGOR INTERESTS CO BLUFFS QOF LLC

706 VETERANS MEMORIAL HWY

COUNCIL BLUFFS, IA 51501

----- Mailing Address -----

MCGREGOR INTERESTS CO BLUFFS QOF LLC

11750 STONEGATE CIR

OMAHA, NE 68164

District: 002 CO BLUFFS CITY/LC SCHOOL

===== REAL ESTATE TAXES ON TREASURER'S WEBPAGE =====

Go to: <https://www.municipalonlinepayments.com/pottawattamiecoia/tax/search/detail/744412351011>

===== TAX DESCRIPTION\* =====

\* Not to be used on legal documents

SECTION 12-74-44 EXC W250' N660' NE SW

===== ASSESSED VALUE =====

\* Class is for Assessment purposes only - Not Zoning

Current Value				
2022	Comm. Land	Improvement	Total	Class
Full Value	\$763,500	\$3,160,300	\$3,923,800	C
Exempt	\$0	\$2,405,400	\$2,405,400	C
Net Total	\$763,500	\$754,900	\$1,518,400	C

Prior Year Value				
2021	Comm. Land	Improvement	Total	Class
Full Value	\$763,500	\$1,228,600	\$1,992,100	C
Exempt	\$0	\$982,900	\$982,900	C
Net Total	\$763,500	\$245,700	\$1,009,200	C

===== EXEMPTIONS/CREDITS APPLIED =====

===== OWNERS =====

\* Book/Page LINKS TO RECORDER'S WEBPAGE

1. D MCGREGOR INTERESTS CO BLUFFS Q book/page: [2020/06754](#) D

===== SALES HISTORY =====

Sale Date	Amount	Code	Book/Page
05/21/2020	875000	<a href="#">D0</a>	<a href="#">2020/06754</a>

===== ASSESSMENT DATA =====

PDF: 8 MAP: 21-8 C.B COMMERCIAL

Date Reviewed: 02/16/22 MEC

LAND.....269200 sqFt 6.18 acres

Commercial Building 1 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 23060 base SF 0 bsmt SF 23060 gross SF

Year Built: 2021 Eff Year: 2021 Condition: Normal

VERTICALS....Ext Wall: Metal/ Steel (51'-79' Wide)

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Metal/ Frame (51'-79' Wide)

Struc Floor: 8" R'Concrete

Partitions: Incl. w / Base

Framing: Steel - light

PLUMBING....Toilet Room (1)

Rough Plumbing (1)

ADJUSTMENTS..Electrical - external lighting (23060)

Partition - metal (1660)

Office-internal with Heat &amp; A/C (726)

A/C - Add (22334)

Heat - -Indust Space (22334)

Electric (22334)



BLDG EXTRAS..22 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High  
 64 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

Commercial Building 2 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 13200 base SF 0 bsmt SF 13200 gross SF  
 Year Built: 2021 Eff Year: 2021 Condition: Normal

VERTICALS....Ext Wall: Metal/ Steel (51'-79' Wide)

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Metal/ Frame (51'-79' Wide)

Struc Floor: 8" R'Concrete

Partitions: Incl. w / Base

Framing: Steel - Light

ADJUSTMENTS..Electrical - external lighting (13200)

Partition - metal (1320)

BLDG EXTRAS..24 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

15 Door: Mini Storage O.H., 10 Ft Wide, 14 Ft High

Commercial Building 3 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 9000 base SF 0 bsmt SF 9000 gross SF  
 Year Built: 2021 Eff Year: 2021 Condition: Normal

VERTICALS....Ext Wall: Metal/ Steel (< 50' Wide)

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Metal/ Frame (< 50' Wide)

Struc Floor: 8" R'Concrete

Partitions: Incl. w / Base

Framing: Steel - Light

ADJUSTMENTS..Electrical - external lighting (9000)

Partition - metal (1155)

BLDG EXTRAS..8 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High

46 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

Commercial Building 4 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 11150 base SF 0 bsmt SF 11150 gross SF  
 Year Built: 2021 Eff Year: 2021 Condition: Normal

VERTICALS....Ext Wall: Metal/ Steel (51'-79' Wide)

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Metal/ Frame (51'-79' Wide)

Struc Floor: 8" R'Concrete

Partitions: Incl. w / Base

Framing: Steel - Light

ADJUSTMENTS..Electrical - external lighting (11150)

Partition - metal (1240)

BLDG EXTRAS..35 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High

27 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

Commercial Building 5 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 6000 base SF 0 bsmt SF 6000 gross SF  
 Year Built: 2021 Eff Year: 2021 Condition: Normal

VERTICALS....Ext Wall: Metal/ Steel (< 50' Wide)

Front/Doors: Incl. w / Base

HORIZONTALS..Roof: Metal/ Frame (< 50' Wide)

Struc Floor: 8" R'Concrete

Partitions: Incl. w / Base

Framing: Steel - Light

ADJUSTMENTS..Electrical - external lighting (6000)

Partition - metal (840)

BLDG EXTRAS..12 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High

38 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

Commercial Building 6 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 6000 base SF 0 bsmt SF 6000 gross SF  
 Year Built: 2021 Eff Year: 2021 Condition: Normal  
 VERTICALS....Ext Wall: Metal/ Steel (< 50' Wide)  
 Front/Doors: Incl. w / Base  
 HORIZONTALS..Roof: Metal/ Frame (< 50' Wide)  
 Struc Floor: 8" R'Concrete  
 Partitions: Incl. w / Base  
 Framing: Steel - Light  
 ADJUSTMENTS..Electrical - external lighting (6000)  
 Partition - metal (850)  
 BLDG EXTRAS..12 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High  
 36 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

## Commercial Building 7 of 8 -- Mini - Storage (716)

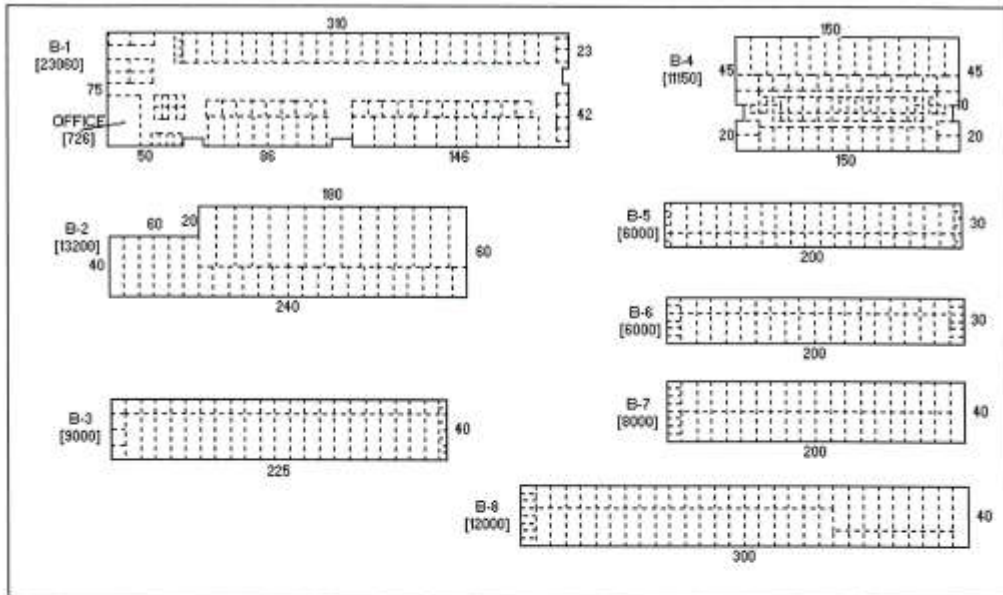
DBA: LOCKBOX STORAGE

STRUCTURE....1 story 8000 base SF 0 bsmt SF 8000 gross SF  
 Year Built: 2020 Eff Year: 2020 Condition: Normal  
 VERTICALS....Ext Wall: Metal/ Steel (< 50' Wide)  
 Front/Doors: Incl. w / Base  
 HORIZONTALS..Roof: Metal/ Stl/ Insul (< 50' Wide)  
 Struc Floor: R' Concrete  
 Framing: Steel - Light  
 ADJUSTMENTS..Electrical - external lighting (8000)  
 Partition - metal (1010)  
 BLDG EXTRAS..8 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High  
 38 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High

## Commercial Building 8 of 8 -- Mini - Storage (716)

DBA: LOCKBOX STORAGE

STRUCTURE....1 story 12000 base SF 0 bsmt SF 12000 gross SF  
 Year Built: 2020 Eff Year: 2020 Condition: Normal  
 VERTICALS....Ext Wall: Metal/ Steel (< 50' Wide)  
 Front/Doors: Incl. w / Base  
 HORIZONTALS..Roof: Metal/ Stl/ Insul (< 50' Wide)  
 Struc Floor: R' Concrete  
 Framing: Steel - Light  
 ADJUSTMENTS..Electrical - external lighting (12000)  
 Partition - metal (1510)  
 BLDG EXTRAS..8 Door: Mini Storage O.H., 4 Ft Wide, 8 Ft High  
 44 Door: Mini Storage O.H., 8 Ft Wide, 8 Ft High  
 YARD EXTRAS..Paving - Concrete 97,700 SF, Concrete Parking  
 Fencing - Wood 8 Ft High, 1,320 LF, Average, 0 LF gate



706 VETERANS MEMORIAL HWY, MCGREGOR INTERESTS CO BLUFFS QOF LLC



706 VETERANS MEMORIAL HWY, MCGREGOR INTERESTS CO BLUFFS QOF LLC, 1 09/20/2021





706 VETERANS MEMORIAL HWY, MCGREGOR INTERESTS CO BLUFFS QOF LLC, 2 09/20/2021



706 VETERANS MEMORIAL HWY, MCGREGOR INTERESTS CO BLUFFS QOF LLC, 3 09/20/2021



706 VETERANS MEMORIAL HWY, MCGREGOR INTERESTS CO BLUFFS QOF LLC, 4 09/20/2021

[Zoom Out](#) [Zoom In](#)



1200ft x 1200ft

[Click any parcel to go to its web page](#)

Spring 2022 aerial

See [more maps](#) at the [County GIS Department](#).

As of: On Web

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**RESOLUTION NO. 23-08**

**A RESOLUTION CONTINUING THE PUBLIC HEARING FOR THE URBAN REVITALIZATION PLAN FOR THE AMENDED VETERANS MEMORIAL HIGHWAY URBAN REVITALIZATION AREA.**

**WHEREAS,** the City of Council Bluffs has the authority under Chapter 404 of the Iowa Code to declare an area to be an urban revitalization area; and

**WHEREAS,** on November 28, 2022, the City Council adopted Resolution 22-298, which directed staff to prepare a plan for the Amended Veterans Memorial Highway Urban Revitalization Area and set a public hearing for January 9, 2023; and

**WHEREAS,** on December 21, 2022, the City Planning Commission was unable to convene and review the Amended Veterans Memorial Highway Urban Revitalization Plan; and

**WHEREAS,** we are requesting to continue the approval of the Amended Veterans Memorial Highway Revitalization Plan till January 23, 2023.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City Council hereby approves continuing the Amended Veterans Memorial Highway Urban Revitalization Plan to the January 23, 2023 meeting.

ADOPTED  
AND  
APPROVED

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush

\_\_\_\_\_  
City Clerk

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW23-27  
Submitted by: Matthew Cox, Public Works  
Director

Resolution 23-09  
ITEM 5.A.

Council Action: 1/9/2023

### Description

Resolution accepting the bid of Judds Bros. Construction Co. for the Avenue F Emergency Sanitary Sewer Repair. Project # PW23-27

### Background/Discussion

On December 13, 2022 bids were received through the City bidding software Ion Wave as follows:

	Division I <u>General</u>	Division IV <u>San. Sewer</u>	<u>Total</u>
Judds Bros. Construction Co. Lincoln, NE	\$125,000.00	\$265,210.00	\$390,210.00
Engineer's Opinion (JEO)	\$297,450.00	\$398,965.00	\$696,415.00

The Avenue F sanitary sewer between N. 10th Street and N. 12th Street crosses under four Union Pacific Railroad Tracks. The existing sewer under the tracks has failed and is currently allowing little to no flow through the sewer. The failed sewer is also allowing railroad ballast to get into the pipe.

JEO Consulting Group reviewed the damage and submitted a certificate for emergency repair on June 30, 2022.

The project requires boring a new pipe under the UPRR tracks and connecting the sewer on each sides of the tracks with new manholes.

This cost for the emergency repair will be paid with Sales Tax Funds.

The project schedule is as follows:

Award	January 9, 2023
Construction Start	February 2023

### Recommendation

Approval of this resolution. This project repairs a sanitary sewer under four UPRR tracks.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Resolution 23-09</a>	Resolution	1/4/2023

**RESOLUTION**  
**NO 23-09**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
JUDDS BROS. CONSTRUCTION CO. FOR THE  
AVENUE F EMERGENCY SANITARY SEWER REPAIR  
PROJECT #PW23-27**

WHEREAS, the plans, specifications, and form of contract for the Avenue F Emergency Sanitary Sewer Repair, are on file in the office of the City Clerk; and

WHEREAS, Judds Bros. Construction Co. has submitted a low bid in the amount of \$390,210.00 for this contract.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Judds Bros. Construction Co. in the amount of \$390,210.00 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the Avenue F Emergency Sanitary Sewer Repair; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Judds Bros. Construction Co. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

AND BE IT FURTHER RESOLVED

That the aforementioned project is encompassed by the language of the 1989 Local Option Sales Tax Ballot and as such this is an appropriate expenditure of the Local Option Sales Tax Revenues.

ADOPTED  
AND  
APPROVED

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush, City Clerk

## Council Communication

Department: Public Works Admin  
Case/Project No.:  
Submitted by: Tony Fiala, Solid Waste  
Management Superintendent

Resolution 23-10  
ITEM 5.B.

Council Action: 1/9/2023

Description
Resolution authorizing the Mayor to execute a Grant Agreement with The Recycling Partnership, Inc.

Background/Discussion
<p>The Recycling Partnership, Inc. is a national nonprofit organization that leverages corporate partner funding to transform recycling for good in states, cities and communities all across the U.S. The Partnership's funders include over 80 industry leaders such as 3M, Amazon, Coca-Cola, Costco, Dow, Kellogg's and Toyota.</p> <p>Since 2014, the Partnership has diverted 770 million pounds of new recyclables from landfills, saved 968 million gallons of water, avoided more than 670,000 metric tons of greenhouse gases, and driven significant reductions in targeted contamination rates.</p> <p>In 2022, The Recycling Partnership surpassed \$240 million in environmental and economic value creation.</p> <p>The Partnership's goal is to unlock the environmental and economic benefits of recycling and a circular economy. Transforming underperforming recycling programs; partner with companies to achieve packaging circularity, increase access to recycled materials, and meet sustainability commitments.</p> <p>The grant supports the purchase of up to 19,800 recycling carts at \$15.00 each, with an education program match of \$1.00 each. This results in a total commitment of up to \$316,800 in funding.</p> <p>In addition to the cash grant, the Partnership will provide program assistance and resources to support the City's recycling program.</p> <p>The City will use a combination of direct mail, social media and local media outlets in the new solid waste collection education campaign. The Recycling Partnership education materials will be used in the outreach and education campaign.</p> <p>The cash grant will be distributed as a reimbursement for expenses, with an end date of May 31, 2024. A payment can be executed in one lump sum after the carts are deployed in the summer of 2023.</p>

Recommendation
Approval of this resolution to authorize execution of the grant agreement with The Recycling Partnership, Inc.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Recycling Partnership Grant Agreement</a>	Agreement	12/28/2022
<a href="#">Resolution 23-10</a>	Resolution	1/4/2023

## RECYCLING PARTNERSHIP GRANT AGREEMENT

This Grant Agreement is hereby made and entered into on the last date of execution below (“Effective Date”), by and between The Recycling Partnership, Inc. (“The Partnership”) and City of Council Bluffs, Iowa (“Grantee”), which are referred to collectively herein as the “Parties” and individually as a “Party.”

- 1. Grant Agreement Documents; Entire Agreement:** This Grant Agreement consists of this document and its attachments: (a) Terms and Conditions (Attachment A), and (b) Work Plan (Attachment B). This Grant Agreement comprises the entire agreement between the Parties and supersedes any and all previous and contemporaneous agreements and representations, whether oral or written.
- 2. Term:** This Grant Agreement shall be effective during the Grant Period, which begins on the Effective Date and ends on May 31, 2024 unless the Parties agree to amend this Grant Agreement as provided in Paragraph 8.
- 3. Grantee’s Duties:** Subject to Paragraph 10 hereof, the Grantee shall take reasonable and appropriate steps to substantially complete the Work Plan as set out in Attachment B and under the conditions set forth in Attachment A.
- 4. Duties of Partnership and Grantee:** The Partnership shall make cash grants to the Grantee in an amount not to exceed THREE HUNDRED SIXTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$316,800) to support the purchase of recycling carts and educational and outreach efforts with the goal of improving and enhancing the Grantee’s residential curbside recycling program (“Cash Grants”). The details of the Cash Grants and the anticipated costs and expenditures associated with this grant project are detailed in Section f, Project Budget and Grant Funding, of Attachment B.

In addition to the Cash Grants, during the Grant Period The Partnership shall also provide the Grantee with access to resources, Partnership staff time, and other in-kind services with an estimated value of ONE HUNDRED TWENTY-FIVE THOUSAND DOLLARS (\$125,000). The purpose of these in-kind services is to support the Grantee’s public recycling program through the provision of technical support for strategic planning, program assessment, measurement activities, and recycling education and outreach including graphic design customization. The amounts set forth below represent The Partnership’s intended distribution of in-kind resources to the Grantee.



Description of In-Kind Resources from The Recycling Partnership	Projected Value
Access to Recycling Partnership educational campaign materials	Up to \$100,000
Dedicated technical assistance and outreach campaign design support from Partnership staff	Up to \$25,000
Total projected value of in-kind assistance and support	Up to \$125,000

In exchange for the Cash Grants and in-kind resources from The Partnership, the Grantee will commit staff time and resources for the planning and implementation of the project that is the subject of this Grant Agreement, including reviewing and approving Partnership-designed educational materials, developing and implementing an education program that includes the use of Grantee’s website, digital content, and supported events, producing and distributing educational materials with the delivery of new recycling carts, conducting recycling program operations, supporting research and program analysis through the provision data and assistance with Partnership funded measurement activities, and providing additional support as the project requires in the Work Plan as set out in Attachment B, and under the conditions set forth in Attachment A.

Subject to Paragraph 10 hereof, the Grantee will take reasonable and appropriate steps to substantially complete the Work Plan in accordance with the Anticipated Implementation Timeline described in the Work Plan.

**5. Distribution Provisions:** The Partnership shall distribute Cash Grants to the Grantee to reimburse the Grantee for actual allowable expenditures the Grantee has made or otherwise incurred during the Grant Period (collectively, “Allowable Expenditures” and individually, an “Allowable Expenditure”). An Allowable Expenditure is one associated with work performed or goods or services acquired to complete the Work Plan as set out in Attachment B as determined by The Partnership in its sole and absolute discretion. Excluding the final Cash Grant, The Partnership shall make such distributions to the Grantee within thirty (30) days of receiving from the Grantee invoices prepared as described in Paragraph 6 hereof documenting Allowable Expenditures. Unless otherwise determined by The Partnership in its sole and absolute discretion, the total Cash Grants from The Partnership will not exceed ninety percent (90%) of reimbursable costs until the submittal of a final report (“Final Report”) as defined in Section u, Reporting and Additional Post Award Requirements, of Attachment A; the remaining ten percent (10%) of reimbursable expenses shall be paid upon Final Report submittal. Cash Grants may be distributed to the Grantee by check or direct deposit, as the Grantee and The Partnership shall mutually agree prior to the distribution of a Cash Grant.

**6. Invoices:** As described in Section v, Reimbursement, of Attachment A, the Grantee shall submit reimbursement requests to The Partnership in the form of an invoice using a template provided by The Partnership. All invoices submitted to The Partnership by the Grantee shall be accompanied by reasonable and appropriate evidence for The Partnership to determine the actual amounts paid by the

Grantee for work and services associated with each Allowable Expenditure, and documentation that provides evidence of payment by the Grantee for each Allowable Expenditure submitted, which shall include copies of invoices for Allowable Expenditures for which the Grantee is seeking reimbursement. The Grantee's final invoices must be received by The Partnership with the Grantee's Final Report. In addition to supporting documentation, the Grantee shall provide a summary of the expenses paid by the Grantee in a table or spreadsheet outlining the expense, vendor, and the purpose of the expense. Upon delivery of such invoices and documentation, the Grantee will then be eligible for reimbursement of up to ninety percent (90%) of the amount of the Cash Grants to be provided by The Partnership for Allowable Expenditures with the final ten percent (10%) available as detailed in Paragraph 5 above.

**7. Grant Contacts:** Contacts for purposes of this Grant Agreement are set forth below.

<b>Primary Partnership Contact:</b>	<b>Secondary Partnership Contact</b>	<b>Grantee Project Manager:</b>
Rob Taylor, Vice President of Grants and Community Development Telephone: (919) 777-3964 Email: rtaylor@recyclingpartnership.org	Craig Wittig, Vice President of Grant Implementation and Community Engagement Telephone: (919) 830-0547 Email: cwittig@recyclingpartnership.org	Tony Fiala, Solid Waste Superintendent Telephone: (712) 890-5454 Email: tfiala@councilbluffs-ia.gov

**8. Amendments and Changes to Cash Grant Amount:** This Grant Agreement may be amended in a writing signed by the Parties. Notwithstanding the foregoing, the amount of the Cash Grants may be increased or decreased in a writing signed by an authorized person of the Grantee and a Partnership contact set out in Paragraph 7 hereof.

**9. Signature Warranty:** Each of the undersigned represents and warrants that he or she is authorized to execute this Grant Agreement.

**10. Appropriations Limitation:** All expenditures and other performance by the Grantee under this Grant Agreement are subject to appropriations by the City Council of the Grantee. Consequently, this Grant Agreement shall bind the Grantee only to the extent the Grantee appropriates sufficient funds for the Grantee to perform its obligations hereunder.

**[The balance of this page is intentionally left blank.]**

The parties have executed this Grant Agreement as of the Effective Date.

The Recycling Partnership, Inc.

By: \_\_\_\_\_

Rob Taylor  
Vice President of Grants and Community Development

Date: \_\_\_\_\_

City of Council Bluffs, Iowa

By: \_\_\_\_\_

Matthew J. Walsh  
Mayor

Date: \_\_\_\_\_

## **Attachment A: Terms and Conditions**

- a. Termination:** Either Party may terminate this Grant Agreement in writing with thirty (30) days' notice to the other Party. If the Grantee fails to substantially fulfill its obligations under this Grant Agreement in a timely and proper manner, The Partnership may provide written notice to the Grantee of its intent to terminate this Grant Agreement. Such notice shall specify the reasons for termination and allow the Grantee thirty (30) days to mitigate any specified reasons. If the Grantee fails to cure, as determined by The Partnership in its sole discretion, The Partnership may terminate this Grant Agreement by giving written notice to the Grantee of such termination and the effective date of such termination. In such event, the Grantee may receive Cash Grants equal to the total amount of actual Allowable Expenditures paid or entered into in good faith and subject to the other terms and conditions of this Grant Agreement that were incurred by the Grantee prior to receipt of a notice of termination from The Partnership and submitted for reimbursement within thirty (30) days of such receipt date in accordance with Paragraphs 5 and 6 of this Grant Agreement.
  
- b. Notices:** All notices required by the terms of this Grant Agreement to be sent to The Partnership must be delivered by email with a read receipt requested to The Partnership's primary and secondary contacts set out in Paragraph 7 hereof. All notices required by the terms of this Grant Agreement to be sent to the Grantee must be delivered by email with a read receipt requested to the Grantee's contact set out in Paragraph 7 hereof.
  
- c. Recycled Paper:** The Partnership encourages the Grantee, if cost effective, to have all publications produced as a result of this Grant Agreement be printed double-sided on recycled-content paper with minimal thirty percent (30%) post-consumer recycled content.
  
- d. Lobbying:** The Grantee shall not use or appropriate any Cash Grant to carry on propaganda or otherwise attempt to influence legislation.
  
- e. Compliance with Work Plan:** The Grantee shall substantially adhere to the timeline and objectives detailed in the Work Plan as set out in Attachment B and strive to make sufficient progress toward fulfilling such timeline and objectives.
  
- f. Extensions:** The Partnership may grant extensions of time for the Grantee to perform its obligations hereunder, but such extensions are not guaranteed. If the Grantee desires an extension, the Grantee shall submit a written request to The Partnership's primary and secondary contacts set out in Paragraph 7 hereof at least sixty (60) days prior to the due date of an obligation.
  
- g. Retroactive Costs:** Costs incurred before the Grant Period are not eligible for reimbursement

unless approved in writing by The Partnership's primary or secondary contacts as set out in Paragraph 7 hereof.

**h. Travel Expenses:** Cash Grants from The Partnership may not be used for travel expenses without prior written approval from The Partnership's primary or secondary contacts as set out in Paragraph 7 hereof.

**i. Technical Assistance:** The Grantee agrees to work with The Partnership during the design, implementation, and monitoring of the program improvements, both educational and operational, during the Grant Period.

**j. Collection Frequency:** The Grantee must provide residents with a recycling program under which recyclables are collected on a weekly or every other week basis. Collection frequency impacts cart size as follows:

- Weekly collection: minimum of 64+ gallon recycling cart is required.
- Every other week collection: 93+ gallon recycling cart size is required.

The Grantee, at its discretion, may distribute recycling carts that are smaller than required above but such carts will not be eligible for grant funding.

**k. Cart Distribution:** The Grantee must distribute carts for recycling collection free of additional charge to residents beyond standard monthly utility rate for waste and recycling services and in accordance with existing policies and procedures of the Grantee. Grant funding is limited to supporting the distribution of one (1) recycling cart to each eligible household.

**l. RFID (Radio Frequency Identification) Tags:** The Grantee must acquire and distribute recycling carts with embedded RFID tags.

**m. Recycled Content Requirement:** The Grantee must acquire and distribute recycling carts that have been manufactured with a minimum of five percent (5%) residential post-consumer recycled plastic content based on the weight of the entire mass of the body, lid, and wheels. To qualify as residential post-consumer content, the reclaimed plastic must have been generated by a household and collected for recycling by a curbside or drop-off recycling program. This content requirement cannot be met through the use of post-industrial plastics or plastic sourced from end-of-life carts or bins.

**n. Material Collection and Management of Recyclable Materials:** The Grantee shall provide

The Partnership a listing of the materials currently accepted for recycling by the Grantee's program. After a review by The Partnership of recycling materials already accepted by the Grantee, the Grantee shall work with the Materials Recovery Facility or Facilities processing its recyclables ("MRF" or "MRFs" accordingly), the Grantee's contracted curbside recycling collection service provider (if applicable), and The Partnership and/or a contractor hired at The Partnership's expense to evaluate the current mix of recycling materials collected residentially and consider the inclusion of other recyclable materials as appropriate in curbside collection.

The Parties agree that recyclable materials meeting reasonable contamination standards established by the Grantee, the Grantee's contracted curbside recycling collection service providers (if applicable) and/or the MRFs processing Grantee's recyclable materials that are collected for recycling by the program benefitted by Cash Grants made pursuant of this Grant Agreement will be delivered to a reputable MRF for recycling and recovery. The Grantee shall work in good faith with The Partnership to address any issues related to the recycling and/or recovery of such materials with the goal that properly prepared recyclable materials collected by the Grantee's program will be managed responsibly.

**o. Educational Best Practices:** When working with communities that are distributing recycling carts The Partnership utilizes a behavior change approach to recycling education that consists of three main components. The key three (3) behavior change educational components include: 1) a direct-to-resident information card/mailed informing them that recycling carts are coming; 2) information delivered with the recycling cart, which includes an acceptable materials information card/magnet/sticker, an introductory letter, service calendar, etc.; and 3) a plan for the use of oops/congrats tags or other anti-contamination strategies to reinforce correct recycling behaviors after carts have been delivered. At a minimum, The Partnership requires that Cash Grants allocated for education and outreach be used for the procurement of these key three (3) items unless otherwise agreed in writing by the Parties. To support an effective campaign, The Partnership encourages the Grantee to select at least two (2) additional awareness communication components, such as digital and/or print advertisements, festival/event kit, billboards, truck signage, etc. Finally, The Partnership requires the Grantee to update its website to communicate the basics of the cart roll out to its citizens and community and that such website include at a minimum a listing of acceptable materials and how to get additional information about the recycling collection schedule.

**p. Publicity and Press Events:** The Grantee may make information regarding this Grant Agreement and the associated grant project public at any time after this Grant Agreement is fully executed and in a manner which it deems appropriate. This requirement is not intended to limit or otherwise restrict the Grantee's public information obligations or requirements and is instead intended to allow the Parties to coordinate public announcements about the project. The Grantee agrees to cooperate

with reasonable efforts by The Partnership during the Grant Period to publicize the grant, including, but not limited to designating a suitable representative to appear on behalf of the Grantee at publicity events, providing relevant and pertinent information to include in press releases and distributions, and responding as appropriate to relevant and pertinent press inquiries. The Partnership agrees to give reasonable notice to the Grantee's Grant Contacts regarding any such publicity / press events.

**q. Graphic Design Edits:** The Partnership will work with the Grantee to customize educational materials to fit the needs of the Grantee's campaign in accordance with the timeline established by the Parties. The Grantee must give at least five (5) days' notice for any edits or changes to educational materials that are to be conducted by The Partnership. If the Grantee uses a third-party service provider for the design of education and outreach materials, The Partnership will cooperate with the third-party service provider by providing access to Partnership tools, artwork, and images for use by such third-party provider. The Partnership will not, however, provide customized design services to such a third-party service provider. The Partnership will work with the Grantee on campaign materials and will provide two (2) rounds of edits to the graphic design of these materials. Additional rounds of editing on graphic design materials may be provided by mutual agreement between the Parties. The project timeline may be delayed if there are approval delays during the two rounds of edits. This may result in the extension of the deadline of project completion. It is a best practice to have one Grantee staff member serve as the point of contact for the Grantee and collect all approvals and edits to educational materials to deliver to The Partnership for graphic design completion. Print buying and approvals are the sole responsibility of the Grantee unless otherwise agreed by the Parties.

**r. Logo Usage:** During the Grant Period, the Grantee shall use The Partnership logo with the phrase "Funded in part by" on all education materials associated with the project that is the subject of this Grant Agreement, unless otherwise agreed by the Parties or prohibited by law. When a Partnership project is funded by one or more other funders, then, in addition to The Partnership logo, such funders may also need to be acknowledged by the Grantee in communications materials with the "Funded in part by" language, and the use of one or more funder logos may be requested, with the final acknowledgment to be developed by mutual agreement between the Parties. Prior to finalization, The Partnership requires proof review of any campaign materials developed by the Grantee or a third-party that uses campaign images, graphics, or logos of The Partnership and any of its funders. Upon presentation of materials for review, The Partnership agrees to review proofs and provide feedback within five (5) business days, or it shall lose the right to require the use of The Partnership logo, and the logos of any of its funders and associated use of the "Funded in part by" phrasing. The Partnership understands that under no circumstances may the Grantee appear to be endorsing or advertising on behalf of a private business.

**s. Compliance with Patent, Trademark and Copyright Laws:** The Parties agree that all work performed under this Grant Agreement shall comply with all applicable patent, trademark and copyright laws, rules, regulations and codes. The Parties further agree that neither will use any protected patent, trademark, or copyright in performance of their respective work unless a Party has obtained proper permission and all releases and other necessary documents. The Parties agree to release, indemnify, and save one another harmless from any and all claims, damages, suits, costs, expenses, liabilities, actions, or proceedings of any kind or nature whatsoever, of or by anyone whomsoever, in any way resulting from, or arising out of, directly or indirectly, the performance or work under this Grant Agreement which infringes upon any patent, trademark, or copyright protected by law.

**t. Electronic Signatures and Electronic Records:** The Partnership consents to the use of electronic signatures by the Grantee. This Grant Agreement, and any other documents requiring a signature that are related to this Grant Agreement, may be signed electronically by the Grantee in the manner specified by the Grantee. The Parties agree not to deny the legal effect or enforceability of this Grant Agreement or any document related thereto solely because it is in electronic form or because an electronic record was used in its formation. The Parties agree not to object to the admissibility of this Grant Agreement or any document related thereto in the form of an electronic record, or a paper copy of an electronic document, or a paper copy of a document bearing an electronic signature, on the ground that it is an electronic record or electronic signature or that it is not in its original form or is not an original.

**u. Reporting and Additional Post-Award Requirements:** The Grantee shall comply with reporting requirements, including:

- The Grantee shall provide The Partnership, within fifteen (15) days of the Effective Date, a notice as set out in Section b hereof with the Grantee's employer identification number, as that term is defined in Treasury Regulations Section 301.7701-12, and was assigned to the Grantee by the Internal Revenue Service pursuant to (i) Code Section 6011(b), (ii) corresponding provisions of prior law, or (iii) Code Section 6109, and which consists of nine digits separated by a hyphen in the following format: 00-0000000.
- In order to establish a baseline for measurement of project success, the Grantee shall provide The Partnership with monthly waste and recycling tonnage data for at least the twelve (12) month period immediately before the project that is the subject of this Grant Agreement is initiated. If such data is not available, then the Grantee agrees to work with The Partnership to help develop estimates for waste and recycling tonnage data for the baseline period.
- The Grantee shall deliver to The Partnership monthly waste and recycling data reports on a quarterly basis for the later of (i) through the end of the Grant Period as defined in Paragraph 2 of this Grant Agreement and (ii) one (1) calendar year beyond the date of the implementation of the project that is the subject of this Grant Agreement. Such reports shall be submitted electronically to The



Partnership via a reporting system and format established by The Partnership.

- The Grantee shall establish an account with the Municipal Measurement Program (“MMP”) system for annual reporting. Reporting in the MMP system is free and involves entering annual tonnage data and answering questions about waste and recycling programs and services through a web-based analytical tool. The Grantee, upon finalization of this Grant Agreement, shall submit waste and recycling data about their most recently completed annual period into the MMP system, and to aid in the tracking of the long-term impacts of the work conducted, the Grantee commits to reporting annually in the MMP system for five (5) years following the term of this Grant Agreement.
- The Grantee shall submit to The Partnership for review a draft Final Report at least thirty (30) days prior to the end of the Grant Period. The Partnership will provide the required format for the Final Report and will provide feedback to the Grantee about the draft Final Report, including necessary changes and points of clarification, within fourteen (14) days of receipt of the draft Final Report, and a fully reviewed and finalized Final Report is required to be submitted within sixty (60) days of the end of the Grant Period.
- The Grantee shall submit to The Partnership documentation from the Grantee’s cart manufacturer providing assurance that the recycling carts purchased with the assistance of Cash Grants have been manufactured with a minimum of five percent (5%) residential post-consumer recycled plastic content meeting the standard described in Section m, Recycled Content Requirement.
- Additional reporting requirements may be included in Work Plan set out in Attachment B.

**v. Reimbursement:** As set out in Paragraph 5 of this Grant Agreement, Cash Grants will be distributed by The Partnership on a reimbursement basis. When seeking reimbursement for grant related expenditures, the Grantee must utilize the format provided by The Partnership. When submitting reimbursement requests, the Grantee must include a copy of any invoices or receipts for which the Grantee seeks reimbursement from The Partnership. Each invoice should be accompanied by associated proof that the Grantee paid the invoice in question. Acceptable proof of payment includes copies of canceled checks or Grantee finance system reports showing that payment was made.

The Partnership shall reimburse the Grantee for actual Allowable Expenditures with The Partnership retaining ten percent (10%) of the amount of the Cash Grants until all grant-related activities are completed and all reports are received and accepted. The remaining ten percent (10%) of reimbursable expenses shall be paid upon completion of a satisfactory Final Report as described in Section u, Reporting and Additional Post-Award Requirements.

The Partnership may withhold making Cash Grants if the Grantee does not meet its reporting obligations as set out in Section u, Reporting and Additional Post-Award Requirements.

**[The balance of this page is intentionally left blank.]**



## Attachment B: Work Plan

**a. Background:** The Grantee currently operates a bin-based dual-stream curbside recycling program with weekly collections conducted by a Grantee-contracted recycling services provider. This recycling program provides collection services to approximately 19,650 households within the Grantee's jurisdiction. Materials collected by this program are currently manually sorted and delivered to markets locally. Grantee staff estimate that its curbside recycling program collects approximately 1,006 tons of recyclables annually.

In an effort to modernize its recycling program, the Grantee intends to implement a cart-based single-stream curbside recycling collection system to serve the approximately 19,650 eligible households it its jurisdiction. Curbside recycling will be collected every-other-week by a Grantee-contracted recycling service provider. The Grantee is currently in procurement negotiations with potential MRFs that will receive the Grantee's single-stream recyclables moving forward and once the receiving MRF has been finalized the Grantee will share this information with The Partnership. The purpose of this grant is to support the Grantee's implementation of cart-based curbside recycling in the Fall of 2023.

**b. Project Description:** With the support of grant funding and assistance from The Partnership, the Grantee will distribute recycling carts to all eligible households within its jurisdiction to implement every-other-week curbside recycling service that will be automatically available to these residents. The Grantee will distribute 95+-gallon recycling carts with the goal of providing each curbside recycling household with one (1) recycling cart and to broadly adopt a uniformly sized recycling cart as the standard while reasonably accommodating those households and citizens with special needs. In addition, with support from The Partnership, the Grantee will implement a jurisdiction-wide education and outreach campaign to support its curbside recycling program.

**c. Measurement Plan:** The Grantee will implement a system for tracking the number of households eligible to receive curbside recycling service along with the number of households that have been issued a recycling cart. As possible, the Grantee will work with its recycling service provider to measure the curbside recycling set out rate for each of the recycling routes serving its jurisdiction, and as this data is available the Grantee shall share it with The Partnership. The Grantee will also implement a system for tracking monthly tonnage data for municipal solid waste and curbside recyclables, with the particular goal of measuring waste and recyclables generated by and collected from curbside recycling eligible households. Required reports transmitting the number of households receiving curbside recycling services, monthly tonnage data and other project elements will be provided to The Partnership as outlined in Section u, Reporting and Additional Post-Award Requirements, of Attachment A.

To the degree possible and as opportunities arise and resources allow, the Grantee will also work with

The Partnership and the Grantee's recycling service provider and MRF operator to evaluate contamination and capture rates of recovered materials and this data will be shared with The Partnership as it becomes available. It is further possible, but not required, that The Partnership may present the Grantee with the opportunity to collaborate in a Partnership-funded study to assess pre and post implementation capture rates for individual recyclable materials. Such a study, if conducted, will be planned in collaboration with the Grantee, and the Grantee will have access to results of such study.

**d. Public Outreach Plan:** The Grantee will work closely with The Partnership to develop and implement an effective education and outreach campaign in support of the Grantee's curbside recycling program utilizing the approach outlined in Section o, Educational Best Practices, of Attachment A. Technical support will be provided by The Partnership as set out in this Grant Agreement. The Grantee will partner closely with The Partnership to maximize the educational efforts and materials developed during this campaign.

This educational effort will focus on educating residents about how to recycle with carts and will also work to ensure that residents are informed of what is acceptable and not acceptable in the recycling carts. A heavy emphasis of this campaign will be related to how to prepare materials for recycling collection and ensuring residents know their recycling collection schedule and service day. The educational effort will target all curbside recycling households in the Grantee's service jurisdiction and will at a minimum utilize the following supporting tools:

- Direct to resident "Carts are Coming" informational mailers for all curbside households;
- A packet of information about recycling to be delivered with the cart to all households that receive a recycling cart; and
- The implementation of anti-contamination strategies, as needed, to reinforce correct recycling behavior.

In addition, and as agreed by the Parties, outreach efforts may be expanded to include one or more of the following outreach elements:

- Public activation event to drive citizen engagement in recycling;
- Social media boosting;
- Paid advertisements; and/or
- Other strategies determined effective by the Parties.

**e. Anticipated Implementation Timeline:** The Parties agree to develop and maintain a detailed Project Timeline providing milestones in the implementation of the project. The anticipated key dates are as follows:

- January 2023 – Initiate planning for education and outreach campaign and support the

implementation planning of cart-based curbside recycling;

- April 2023 – Begin public-facing education and outreach efforts to support the launch of cart-based curbside recycling;
- May / June 2023 – Launch and complete distribution of recycling carts and information packets to all eligible households;
- July 2023 – Implement jurisdiction-wide cart-based curbside recycling collection.

The Parties acknowledge the difficulty of predicting the specific dates for implementation of the various elements of this project. With this in mind, the above dates are intended as milestones, and with the understanding that if unanticipated changes or delays in the above schedule occur, the Parties agree to revisit the timeline and adjust it as necessary to pursue the successful implementation of the project as described in Section b, Project Description, above. In addition, and as necessary, the Parties may modify the Grant Period as set out in Paragraph 2 of this Grant Agreement.

**f. Project Budget and Grant Funding:** The Partnership’s Residential Curbside Recycling Cart Grant Program provides grant funding of no more than \$15.00 per qualifying curbside recycling cart and up to \$1.00 per household for supportive education and outreach materials. Qualifying recycling carts meet the conditions defined in Sections j, k, l and m of Attachment A. The actual amount of Cash Grants may vary based on the actual number of carts distributed as well as the total number of households served by the curbside recycling program as determined at the time of cart distribution and as verified by the Grantee’s staff and documents provided pursuant to Paragraph 6 of this Grant Agreement. Cash Grants made for recycling carts will be based on the number of recycling carts distributed to participating households, will be limited to paying for one (1) cart per participating household, and shall not exceed the amount specified in the table below. The Grantee may, at its discretion, provide households with more than one (1) recycling cart, but in such instance Cash Grants shall only be made for one (1) cart per household. Cash Grants for recycling outreach shall be paid at the rate of up to \$1.00 per household and will be based on the total number of households served by the curbside recycling program as verified by the Grantee. The budget for Cash Grants, as set out below, assumes the provision of recycling carts and supportive education and outreach to 19,800 households by the Grantee.

The amounts set forth in the table below represent The Partnership’s intended distribution of Cash Grants to the Grantee:

Grant Element	Description	Grant Amount
Recycling Carts	Grant funding to support the purchase and distribution of qualifying recycling carts by the Grantee to all eligible households for automatic every-other-week curbside recycling collection.	\$297,000
Education and Outreach Support	Grant funding to implement a recycling education and outreach campaign in support of curbside recycling.	\$19,800
Total		\$316,800

All costs associated with project implementation beyond the grant funding from The Partnership will be the responsibility of the Grantee. It is understood by the Parties that Cash Grants for recycling carts may be combined with local funding as well as grant funding from other sources to purchase and distribute recycling carts. It is also understood by the Parties that actual expenses may vary depending on a variety of factors, including the number of recycling carts distributed, the number of households served by the curbside recycling program, and the actual expenses associated with the Grantee's education and outreach effort. Upon mutual written agreement of the Parties, the final allocation of Cash Grants may be adjusted between expense categories. The actual amount of Cash Grants will be based on actual reimbursable expenditures as outlined in Section v, Reimbursement, of Attachment A, and the total amount of Cash Grants shall not exceed the amount specified in Paragraph 4 of this Grant Agreement. Any Cash Grants to the Grantee are subject to the requirements set out in Paragraph 10 of this Grant Agreement. The Grantee shall only invoice and receive reimbursement for actual Allowable Expenditures incurred.

**RESOLUTION**  
**NO 23-10**

**RESOLUTION AUTHORIZING THE MAYOR  
TO EXECUTE AN AGREEMENT WITH  
THE RECYCLING PARTNERSHIP, INC.**

WHEREAS, The City wishes to improve the curbside recycling program, within the city as therein described; and

WHEREAS, The Recycling Partnership grant can assist the City with the purchase of recycling carts, and educational and outreach support services; and

WHEREAS, said agreement establishes specific responsibilities of the City and the Partnership; and

WHEREAS, the city council deems approval of said agreement to be in the best interest of the City of Council Bluffs.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the Mayor is hereby authorized, empowered, and directed to execute an agreement with The Recycling Partnership, Inc.

ADOPTED  
AND  
APPROVED

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush, City Clerk

## Council Communication

Department: Public Works Admin  
Case/Project No.:  
Submitted by: Matthew Cox, Public Works  
Director

Resolution 23-11  
ITEM 5.C.

Council Action: 1/9/2023

### Description

Resolution abolishing one Division Secretary position and creating the position of Solid Waste Support Specialist.

### Background/Discussion

The Public Works Solid Waste Management Division oversees the operations of the Recycling Center and the implementation and management of the solid waste collection and disposal contracts.

The Recycling Center operations have changed significantly in the last five years, with an increase in operational hours and an increase in Recycling Center traffic of over 30%, resulting in nearly 60,000 vehicles per year passing through the gates.

The current vacancy in the Division Secretary position prompted a comprehensive evaluation of the position. This evaluation included an assessment of the job description, real life job duties, and corresponding wage.

Since the reorganization of Solid Waste Management into the Public Works Department, responsibilities of the Division Secretary position have evolved to accommodate the changes.

Regional surveys of similar positions in the solid waste industry were solicited from peer organizations. After review of the survey results, it was determined that the responsibilities of the current Division Secretary are a combination of several different job descriptions within the responding organizations. An employee working in this position performs scale operation duties; directs the work of the Scale Operator position; performs accounts payable and accounts receivable functions; assists with Division reporting, grant support, and other administrative tasks; fields customer service requests for Recycling Center operations as well as curbside collections; and even conducts hazardous waste receiving and classification.

In addition, this position works directly with Waste Connections, the City's solid waste collection contractor, to address program questions, resolve customer concerns, and disseminate program information.

For the aforementioned reasons, Public Works is proposing to abolish one Division Secretary position and create the position of Solid Waste Support Specialist.

The new position will be placed under the CWA bargaining unit at grade 15.

The position will be paid from two funding sources within the Refuse Enterprise account- 50% from Refuse collection and disposal and 50% from Recycle Center operations. With the elimination of the secretary position, the additional cost for the new position is estimated to be \$5,577 annually.

### Recommendation

Approval of this resolution. The proposed position change within Public Works will allow the Solid Waste Division to align the job title and duties with actual work requirements.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Job Description</a>	Job Description	1/3/2023
<a href="#">Resolution 23-11</a>	Resolution	1/4/2023





# City of Council Bluffs

## Job Description

### Solid Waste Support Specialist

**Department:** Public Works

**Supervisor:** Solid Waste Management Superintendent

**Location:** Recycling Center

**FLSA Status:** Non-exempt

**Prepared By:** Cori Shaw, Recruiter

**Prepared Date:** December 2022

**Union:** CWA

**Pay Grade:** 15

**Summary:** Performs a variety of clerical and customer service duties at the City's Recycling facility including handling public inquiries and concerns. This is a front-line position providing excellent customer service to the members of the public and other City employees. Must be able to exercise good judgment and discretion in providing information to internal and external customers in tactful and courteous manner.

#### **Essential Duties and Responsibilities:**

- Oversees scale operations and personnel to ensure compliance of policies and procedures:
  - Checks daily scale transactions and tracking information for accuracy;
  - Prepares and maintains tonnage, commodity, sales tax, and other reports specific to the division;
  - Coordinates with Solid Waste Superintendent to ensure correct computer system operation and accounting practices;
  - Performs a variety of duties to include revision or addition of information in the scale computer system and updating files;
  - Operates inbound and outbound computerized truck scales to track wastes being disposed or recycled; weighs commercial and private vehicles;
  - Determines specific information about each load then directs customers to appropriate disposal or recycling areas and inspects loads for hazardous and unacceptable wastes;
  - Collects fees and makes change for cash transactions. Processes cash, credit, debit, charge, and check transactions;
  - Balances receipts, closing reports, and performs bookkeeping functions daily to process and account for Solid Waste revenue
- Provides information, responds to inquiries or complaints from the public, co- workers and other departments, in person, by phone, by two-way radio, and by email
- Maintains division employee and financial records:

- Prepares monthly invoices and maintains accounts receivable documentation;
- Orders supplies and equipment and arranges services for needs specific to scale operations;
- Processes purchase orders and accounts payable documentation for routing to the Finance Department;
- Accesses several computer programs needed to perform the daily functions related to Scale Operations
- Establishes effective working relationships with public and staff:
  - Provides general information, advice, and technical assistance to general public concerning governmental requirements, procedures, and regulations for obtaining City services
  - Screens complaints and addresses concerns made by the general public
- Communicates the Public Works Department's Solid Waste Management Division vision, goals and objectives:
  - Develops educational materials to inform residents within the planning area of solid waste management rules and regulations
  - Assists with grant preparation process as to content, needs, reporting deadlines, criteria and documentation;
  - Maintains current knowledge of state and federal funding opportunities;
  - Provides information, conducts research and analysis;
  - Composes written reports and recommendations as requested
- Assists in the implementation of Regional Collection Center (RCC) (Permanent Household Hazardous Materials Collection Program):
  - Helps customers to fill out questionnaires/survey forms
  - Shelves any household hazardous material that is deemed reusable
  - Makes a record of any new or reusable household hazardous materials
  - Removes batteries, used oil, paint/paint products and other materials from vehicles
- Regular and predictable attendance is required
- Other duties as assigned

**Supervisory Responsibilities:**

Supervises team members including seasonal employees

**Qualifications:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience:**

- High School Diploma or General Education Degree (GED)
- Associate's Degree in Accounting, Business or a related area of study preferred
- Four (4) years' full-time work experience performing responsible similar duties
- Cash handling, preferred
- Any equivalent combination of education and experience that provides the required knowledge, skills, and abilities

**Certificates, Licenses, Registrations:**

- Valid driver's license
- Ability to satisfactorily complete OSHA 24-hour HAZWOPER training within first 12 months of employment.

**Physical Demands:**

- While performing the duties of this job, the employee is frequently required to stand; walk; sit; use hands to finger, handle, or feel; reach with hands and arms; climb or balance; stoop, kneel, crouch, or crawl; and see, talk, and hear.
- Occasionally required to climb, balance, stoop, kneel and crouch and lift and/or move up to 50 pounds.
- Distance and close vision and depth perception are required with the ability to adjust focus.
- The work environment is an industrial setting, subject to high noise levels and frequent interruptions.
- Must have the ability to work both in and out of doors, in all weather conditions, in dusty environments, and in moderate traffic.

**Other Skills and Abilities:**

- Thorough knowledge of general office procedures, record keeping and filing procedures
- Working knowledge of Microsoft Office software (Excel, Outlook, PowerPoint, Word)
- Ability to communicate effectively both orally and in writing
- Ability to deal with tact and courtesy with a wide range of persons, including situations in which individuals may be upset over some issue involved with City activities and policies
- Ability to work accurately with numbers and codes, compose and edit documents including good knowledge of spelling, office vocabulary, and grammar
- Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology
- Ability to work efficiently in an atmosphere with frequent interruptions and to remain calm and controlled during stressful situations
- Ability to perform work assignments with minimum supervision
- Ability to maintain confidential information

**RESOLUTION  
NO 23-11**

**RESOLUTION ABOLISHING ONE DIVISION SECRETARY POSITION  
AND CREATING ONE NEW SOLID WASTE SUPPORT SPECIALIST POSITION  
WITHIN THE PUBLIC WORKS DEPARTMENT**

WHEREAS, the Solid Waste Support Specialist is an essential position within the Solid Waste Division and the growing demands at the Recycling Center necessitate a qualified staff person to maintain customer service expectations and to support the overall operations of the Division; and

WHEREAS, the new position will be CWA Grade 15; and

WHEREAS, the additional costs for the new position can be accommodated in the FY23 Solid Waste Division budget; and

WHEREAS, the duties of the Division Secretary will be transferred to the Solid Waste Support Specialist position.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the position of Division Secretary shall be abolished effective upon the filling of the new Solid Waste Support Specialist position.

AND BE IT FURTHER RESOLVED

That 1 FTE position of Solid Waste Support Specialist is created within the Public Works Department.

ADOPTED  
AND  
APPROVED

January 9, 2023

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Matthew J. Walsh, Mayor

ATTEST:

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Jodi Quakenbush, City Clerk

## Council Communication

Department: Public Works Admin  
Case/Project No.: PW22-17  
Submitted by: Matthew Cox, Public Works  
Director

Resolution 23-12  
ITEM 5.D.

Council Action: 1/9/2023

### Description

Resolution accepting the bid of Hawkins Construction Co. for the South Expressway Reconstruction, Phase I. Project # PW22-17

### Background/Discussion

On December 20, 2022 bids were received by the DOT as follows:

Hawkins Construction Co., Omaha, NE	\$5,860,120.66
RPL Utility, LLC, Minden, IA	\$6,804,947.48
Engineer's Estimate (HDR)	\$5,992,869.83

The South Expressway is a major arterial roadway (formerly Iowa 192) that serves as one of the main entrances to the downtown area of Council Bluffs from I-29/I-80. Traffic volumes are approaching 20,000 vehicles per day. The South Expressway is currently a rural four-lane divided roadway with a depressed median.

The updated design for the reconstruction will utilize an urban typical section. The project will include new roadway pavement, drainage improvements, street lighting, and a concrete trail on the east side of the South Expressway from just north of the I-29/I-80 ramps to 23rd Avenue.

This is the first of at least two phases planned to reconstruct the South Expressway. Phase 1 includes the area immediately north of the I-29/I-80 interchange, and continues north to just south of 19th Avenue.

This project was included in the FY22 CIP. STBG-SWAP funds will be used for construction costs up to \$4,620,000; the remaining project costs, including engineering, will be paid with Sales Tax funds.

The project schedule is as follows: Construction Start      March/April 2023

### Recommendation

Approval of this resolution to award the project to Hawkins Construction Co.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Map</a>	Map	12/29/2022
<a href="#">Resolution 23-12</a>	Resolution	1/4/2023



PW 22-17  
SOUTH EXPRESSWAY  
RECONSTRUCTION PH I

## PROJECT LOCATION

## Legend

PW22-17



**RESOLUTION**  
**NO 23-12**

**RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK  
TO EXECUTE AN AGREEMENT WITH  
HAWKINS CONSTRUCTION CO. FOR THE  
SOUTH EXPRESSWAY RECONSTRUCTION, PHASE 1  
PROJECT #PW22-17**

WHEREAS, the plans, specifications, and form of contract for the South Expressway Reconstruction, Phase 1 are on file in the office of the City Clerk; and

WHEREAS, a Notice of Public Hearing was published, as required by law, and a public hearing was held on November 14, 2022 and the plans, specifications and form of contract were approved; and

WHEREAS, Hawkins Construction Co. has submitted a low bid in the amount of \$5,860,120.66 for this contract.

NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the bid of Hawkins Construction Co. in the amount of \$5,860,120.66 is hereby accepted as the lowest and best bid received for said work; and

BE IT FURTHER RESOLVED

That the City Council does hereby award the contract in connection with the South Expressway Reconstruction, Phase 1; and

BE IT FURTHER RESOLVED

That the Mayor and City Clerk are hereby authorized, empowered, and directed to execute an agreement with Hawkins Construction Co. for and on behalf of the City of Council Bluffs, upon approval by the City Attorney of the certificate of insurance and payment and performance bonds as required by the contract specifications.

AND BE IT FURTHER RESOLVED

That the aforementioned project is encompassed by the language of the 1989 Local Option Sales Tax Ballot and as such this is an appropriate expenditure of the Local Option Sales Tax Revenues.

ADOPTED  
AND  
APPROVED

January 9, 2023

\_\_\_\_\_  
Matthew J. Walsh, Mayor

ATTEST:

\_\_\_\_\_  
Jodi Quakenbush, City Clerk

## Council Communication

Department: Community Development  
Case/Project No.: OTB-20-016  
Submitted by: Christopher Gibbons, AICP,  
Planning Manager

Resolution 23-13  
ITEM 5.E.

Council Action: 1/9/2023

**Description**

Resolution granting an 18-month extension of time for Avalos Construction, LLC to construct a residential dwelling on property formerly owned by the City of Council Bluffs, being legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition. Location: Undeveloped land at the northeast corner of the intersection of S. 17th Street and 7th Avenue. OTB-20-016

**Background/Discussion**

See attached staff report.

**Recommendation**

### **ATTACHMENTS:**

Description	Type	Upload Date
<a href="#">Staff Report</a>	Staff Report	12/30/2022
<a href="#">Attachment A: Letter requesting an extension of time</a>	Letter	12/30/2022
<a href="#">Attachment B: Resolution No. 20-282</a>	Other	12/30/2022
<a href="#">Resolution 23-13</a>	Resolution	1/4/2023



### Council Communication

<p>Department: Community Development</p> <p>Case #OTB-20-016</p> <p>Applicant: Avalos Construction, LLC 1622 Avenue F Council Bluffs, IA 51501</p> <p>Property Owner: Wesley D. Franks 106 Brentwood Heights Council Bluffs, IA 51503</p>		<p>City Council: 1/09/2023</p>
<p style="text-align: center;"><b>Subject/Title</b></p> <p><b>Request:</b> Request by Avalos Construction, LLC for an 18-month extension of time to construct a residential dwelling on property formerly owned by the City of Council Bluffs, being legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa.</p> <p><b>Location:</b> Undeveloped land at the northeast corner of the intersection of S. 17<sup>th</sup> Street and 7<sup>th</sup> Avenue.</p>		
<p style="text-align: center;"><b>Background/Discussion</b></p> <p>The Community Development Department has received a request from Avalos Construction, LLC, for an extension of time to construct a residential dwelling on property formerly owned by the City of Council Bluffs, as legally described above (see Attachment A).</p> <p>On November 23, 2020, the Council Bluffs City Council adopted Resolution No. 20-282 (see Attachment B), which disposed of surplus City-owned property, legally described as West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, to Mr. Wesley D. Franks. The purchase price was \$9,514.00 and the applicant submitted a 10% down payment (\$951.40) with their offer. As part of the approved resolution, City Council agreed to forgive the remaining balance for the property (\$8,562.60) if a residential dwelling was constructed and issued a Certificate of Occupancy within two years from the date of approval. The property was deeded to Mr. Franks on December 15, 2020 and he had until November 23, 2022 to construct a home in order to have the remaining balance on the property forgiven by the City.</p> <p>Mr. Franks was hospitalized with COVID-19 throughout 2022 and recently succumbed to his illness on December 21, 2022. Avalos Construction, LLC wants to purchase the subject property from Mr. Franks' estate to build a new single-family dwelling upon it. Avalos Construction, LLC is aware of the City's forgivable mortgage on the property and has requested an 18-month extension of time to complete the terms of the mortgage by building a new residential dwelling on the property. If the extension request is approved by Council, the City's Legal Department will reassign the mortgage to Avalos Construction, LLC and amend mortgage terms to allow an additional 18-months for a new dwelling to be constructed on the property. These actions will run concurrent with Avalos Construction, LLC closing on the subject property.</p>		

**Recommendation**

The Community Development Department recommends approval of the request by Avalos Construction, LLC for an 18-month extension of time to construct a residential dwelling on property legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

1. The applicant shall complete construction and obtain a Certificate of Occupancy for new residential dwelling on the subject property by July 9, 2024;
2. Approval of the 18-month extension of time shall become effective upon Avalos Construction, LLC purchasing the subject property from Mr. Franks estate; and
3. If the applicant cannot complete construction and obtain a Certificate of Occupancy for the residential dwelling by July 9, 2024, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A three-month extension of time may be approved administratively by the Community Development Department. Any extension of time requests exceeding a three-month period shall be reviewed and approved by City Council.

**Attachments**

Attachment A: Letter requesting an extension of time  
Attachment B: Resolution No. 20-282

Prepared by: Christopher N. Gibbons, Planning Manager, Community Development Department

To the city of Council Bluffs, IA:

We had purchased a property on 17 and 7<sup>th</sup> avenue.  
(Everetts Add W45' LT 12' EXC N6' For alley BLOCK 25).  
From Wesley Franks, due to being ill, he is not able  
to build on the site. Avalos Construction is asking for 18'  
months of grace period to build a house on the site lot.

Thank you,

Avalos Construction LLC

*Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503 - Phone: (712) 890-5261*  
*Prepared by: Community Development Dept., Council Bluffs, IA 51503 – Phone: (712) 890-5350*

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**RESOLUTION NO. 20-282**

**A RESOLUTION TO DISPOSE OF CITY PROPERTY DESCRIBED AS THE WEST 45 FEET OF LOT 12, EXCEPT THE NORTH 6 FEET FOR THE EAST/WEST ALLEY ADJOINING, BLOCK 25, EVERETT'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** the City has previously expressed its intent to dispose of City owned property legally described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

**WHEREAS,** a public hearing has been held in this matter on November 23, 2020 at 7:00 p.m.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the Mayor and City Clerk be and are hereby authorized, empowered and directed to execute a quit claim deed conveying the City's interest in the above-described property as follows:

Wesley D. Franks, and all successors in interest; the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa; and

**BE IT FURTHER RESOLVED**

That the purchase price be \$9,514.00, with the remaining balance beyond the submitted \$951.40 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home within 2 years of the approval date. Property closing must occur within 60 days of the date of approval.

**BE IT FURTHER RESOLVED**

That the City Clerk is directed to deliver this resolution and attached documents to the County Recorder.

Resolution # \_\_\_\_\_

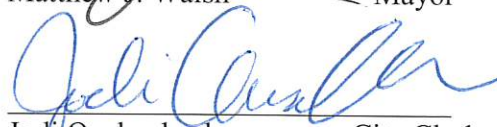
Page 2 of 2

ADOPTED  
AND  
APPROVED:

November 23, 2020.

  
\_\_\_\_\_  
Matthew J. Walsh Mayor

ATTEST:

  
\_\_\_\_\_  
Jodi Quakenbush City Clerk

## Proof Of Publication

State of Iowa

Pottawattamie County

### NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY

#### TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 23rd Day of November, 2020, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush City Clerk  
2020(11)15-1 Sunday

I, Tom Schmitt, on my oath do solemnly that I am Publisher of the COUNCIL BLUFFS DAILY NONPAREIL, a newspaper issued DAILY and printed in said county, COUNCIL BLUFFS, IOWA.

The attached notice was published in said newspaper 1 consecutive time(s) as follows:

The First publication thereof began on the 15th day of November, 2020.

Signed in my presence by the said Tom Schmitt and by her sworn to before me this 15th day of November, A.D. 2020.

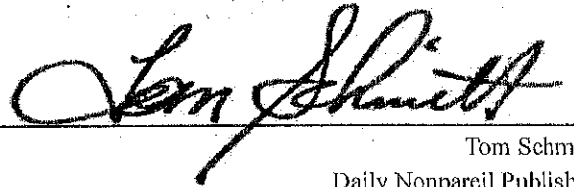
### NOTICE OF PUBLIC HEARING ON INTENT TO DISPOSE AND CONVEY CITY PROPERTY

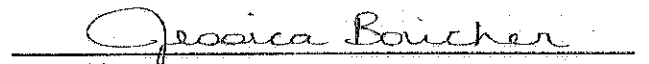
#### TO WHOM IT MAY CONCERN:

You and each of you are hereby notified that the City Council of the City of Council Bluffs, Iowa, has scheduled a public hearing on the request to dispose of property described as West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa.

You are further notified that a public hearing on said matter will be held by the City Council of the City of Council Bluffs, Iowa, at its regular meeting held at 7:00 p.m., on the 23rd Day of November, 2020, in the City Council Chambers, 2nd Floor of City Hall, 209 Pearl Street, Council Bluffs, Iowa at which time and place all persons interested in said matter will be given an opportunity to be heard.

Jodi Quakenbush City Clerk  
2020(11)15-1 Sunday

  
Tom Schmitt  
Daily Nonpareil Publisher

  
Jessica Boucher  
Notary Public

Filed this 15th day of November, A.D. 2020.

Publication Cost: \$15.60



Customer Number: 1003258  
Order Number: 0000190303

### Council Communication

Department: Community Development  
Case/Project No.: OTB-20-016  
Submitted by: Moises Monrroy, Planner

Resolution 20-282  
ITEM 8.B.

Council Action: 11/23/2020

#### Description

Resolution to dispose of City property described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition. Location: 1618 7th Avenue. OTB-20-016

#### Background/Discussion

See attached staff report.

#### Recommendation

#### **ATTACHMENTS:**

Description	Type	Upload Date
Case #OTB-20-016	Other	11/13/2020
Attachment A - Case Map	Map	11/13/2020
Resolution 20-282	Resolution	11/18/2020

## Council Communication

Department: Community Development  CASES #OTB-20-016  Applicant: Wesley D. Franks 106 Brentwood Heights Council Bluffs, IA 51503	Reso. of Intent No. _____  Reso. to Dispose No. _____	Set Public Hearing: 11/9/2020  Public Hearing: 11/23/2020								
<b>Subject/Title</b> <p><b>Request:</b> Set public hearing on the request of Wesley D. Franks to purchase property described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa. The property is generally addressed as 1618 7<sup>th</sup> Avenue.</p> <p><b>Location:</b> Northeast corner of the intersection of South 17<sup>th</sup> Street and 7<sup>th</sup> Avenue.</p>										
<b>Background/Discussion</b> <p>The City has received an offer to purchase the property described above. The property is classified as 'transitional dispose' and 'buildable - restrictions.' The applicant wishes to acquire this property to construct a detached single-family dwelling. According to the <i>Inventory and Disposal Policy for Surplus City Property</i>, adopted by City Council on April 23, 2018, the property should be priced at the most recent assessed value, which on this property would be \$9,514.00. The applicant has offered \$9,514.00 to purchase the property, and has submitted a \$951.40 down payment.</p> <p>The subject property was acquired by the City of Council Bluffs in May of 2010 via a 657A Petition through the Iowa District Courts. As is stated in the adopted <i>Inventory and Disposal Policy for Surplus City Policy</i>, the property would be eligible for a forgivable mortgage as it buildable and has been actively marketed on the Surplus Property list for more than the required 24 months.</p> <p>The following costs have been incurred on the subject property:</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 80%;">Permits and Inspections Division – Legal fees:</td> <td style="text-align: right;">\$ 1,599.87</td> </tr> <tr> <td>Permits and Inspections Division – Weed abatement/mowing:</td> <td style="text-align: right;">\$ 1,776.05</td> </tr> <tr> <td><u>Permits and Inspections Division – Demolition:</u></td> <td style="text-align: right;"><u>\$ 11,870.00</u></td> </tr> <tr> <td><b>Total</b></td> <td style="text-align: right;"><b>\$ 15,245.92</b></td> </tr> </table> <p>The subject property is 45 feet wide by 130 feet deep, and contains 5,850 square feet in area. The subject property does not meet the minimum required 55 feet in lot width for corner lots in the R-2/Two-Family Residential District, thus it is considered a nonconforming lot of record. As per Section 15.26.020 of the Municipal Code (Zoning Ordinance), "nonconforming lots of record existing at the effective date of the ordinance codified in this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this chapter." The subject property is large enough to accommodate a single-family structure with a floor area not less than five hundred (500) square feet and a minimum width of not less than twenty (20) feet that meets the minimum setback requirements in the R-2 District. The parcel is located within an AH flood zone, and as such, full compliance with floodplain regulations will be required. For this reason, the property is classified as 'buildable - restrictions.'</p>			Permits and Inspections Division – Legal fees:	\$ 1,599.87	Permits and Inspections Division – Weed abatement/mowing:	\$ 1,776.05	<u>Permits and Inspections Division – Demolition:</u>	<u>\$ 11,870.00</u>	<b>Total</b>	<b>\$ 15,245.92</b>
Permits and Inspections Division – Legal fees:	\$ 1,599.87									
Permits and Inspections Division – Weed abatement/mowing:	\$ 1,776.05									
<u>Permits and Inspections Division – Demolition:</u>	<u>\$ 11,870.00</u>									
<b>Total</b>	<b>\$ 15,245.92</b>									



**Recommendation**

The Community Development Department recommends disposal of the property legally described as the West 45 feet of Lot 12, except the North 6 feet for the east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa to Wesley D. Franks, subject to the following conditions:

1. The purchase price shall be \$9,514.00, with the remaining balance beyond the submitted \$951.40 down payment being forgiven by the City of Council Bluffs upon issuance of a Certificate of Occupancy for a completed home on the subject property.
2. Closing shall occur on the property within 60 days of the date of decision. The applicant shall have 2 years from the date of decision to construct a home on the subject property.

**Attachments**

Attachment A: Location/Zoning Map

Prepared by: Moises Monrroy, Planner, Community Development Department

Attachment A

# CITY OF COUNCIL BLUFFS - CITY-OWNED PROPERTY GROUP CASES #OTB-20-016 LOCATION/ZONING MAP

## Legend

 Subject Property

0 15 30  
1 Inch = 33 Feet

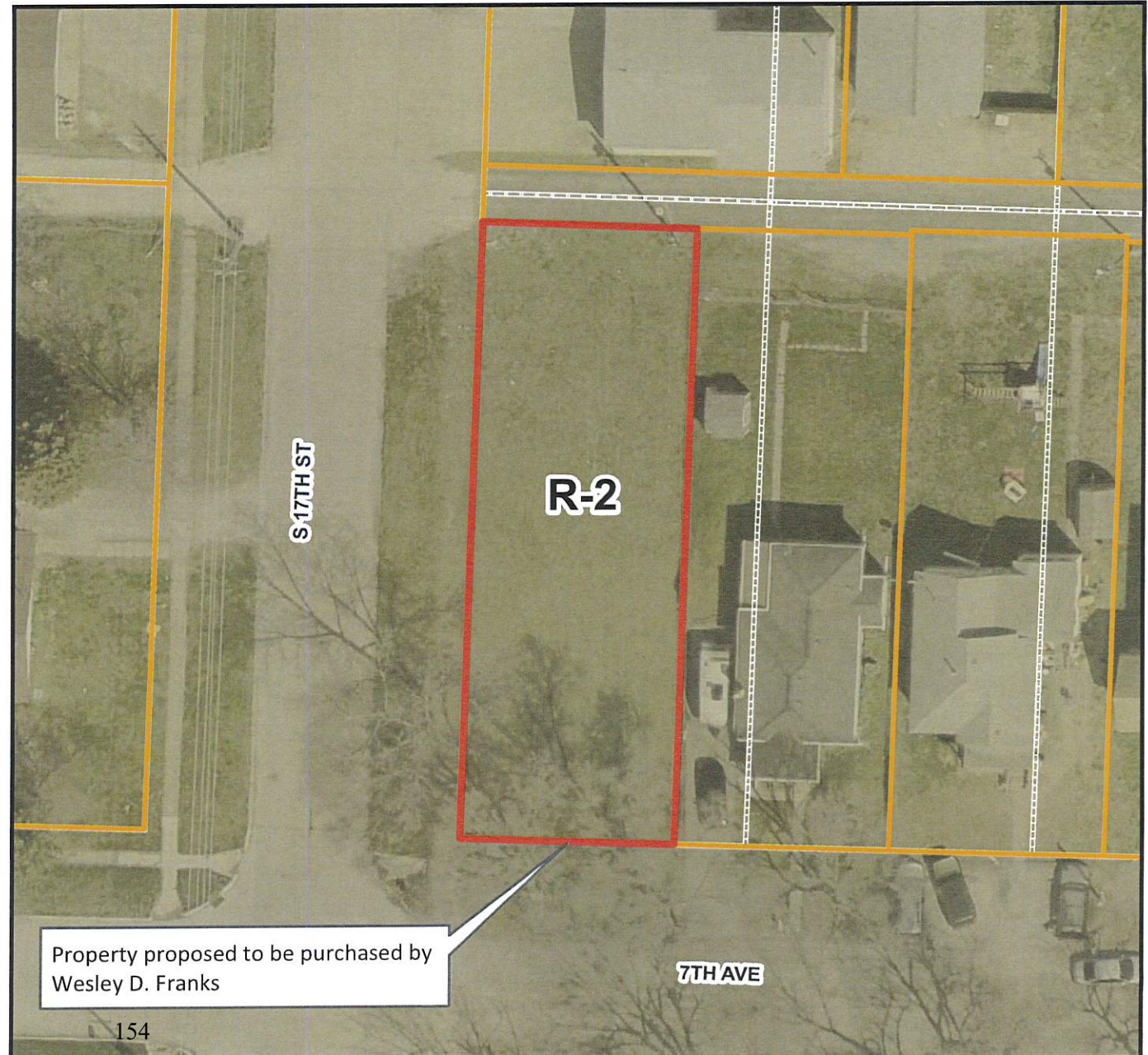


Last Amended: 10/20/2020



Council Bluffs Community  
Development Department  
209 Pearl Street  
Council Bluffs, IA 51503  
Telephone: (712) 890-5350

**DISCLAIMER**  
This map is prepared and compiled from City documents, plans and other public records data. Users of this map are hereby notified that the City expressly disclaims any and all responsibility for errors, if any, in the information contained on this map of the nature of the same by the user or anyone else. The user should verify the accuracy of information/data contained on this map before using it. The City assumes no legal responsibility for the information contained on this map.





**RESOLUTION NO. 23-13**

**A RESOLUTION GRANTING AN 18-MONTH EXTENSION OF TIME FOR AVALOS CONSTRUCTION, LLC TO CONSTRUCT A RESIDENTIAL DWELLING ON PROPERTY FORMERLY OWNED BY THE CITY OF COUNCIL BLUFFS, BEING LEGALLY DESCRIBED AS THE WEST 45 FEET OF LOT 12, EXCEPT THE NORTH SIX FEET FOR AN EAST/WEST ALLEY ADJOINING, BLOCK 25, EVERETT'S ADDITION, CITY OF COUNCIL BLUFFS, POTTAWATTAMIE COUNTY, IOWA.**

**WHEREAS,** On November 23, 2020, the Council Bluffs City Council adopted Resolution No. 20-282 (see Attachment B) which disposed of property legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, to Wesley D. Franks for a purchase price of \$9,514.00 with a 10% down payment (\$951.40); and

**WHEREAS,** As part of the approved Resolution No. 20-282, City Council agreed to forgive the remaining balance for the property (\$8,562.60) if a residential dwelling was constructed and issued a Certificate of Occupancy within two years from the date of approval but the deadline expired on November 23, 2022; and

**WHEREAS,** Wesley D. Franks is deceased as of December 21, 2022 and his estate wishes to sell the subject property to Avalos Construction, LLC; and

**WHEREAS,** Avalos Construction, LLC intends to build a new residential dwelling on the subject property within 18-months of City Council's approval of their extension of time request; and

**WHEREAS,** The Community Development Department recommends approval of the request by Avalos Construction, LLC for an 18-month extension of time to construct a residential dwelling on property legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa, subject to the following conditions:

- A. The applicant shall complete construction and obtain a Certificate of Occupancy for new residential dwelling on the subject property by July 9, 2024;
- B. Approval of the 18-month extension of time shall become effective upon Avalos Construction, LLC purchasing the subject property from Wesley D Franks estate; and
- C. If the applicant cannot complete construction and obtain a Certificate of Occupancy for the residential dwelling by July 9, 2024, an extension of time shall be requested in writing to the Community Development Department prior to the expiration date. A three-month extension of time may be approved administratively by the Community

Development Department. Any extension of time requests exceeding a three-month period shall be reviewed and approved by City Council.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the 18-month extension of the deadline for Avalos Construction, LLC to construct a residential dwelling on property formerly owned by the City of Council Bluffs, and being legally described as the West 45 feet of Lot 12, except the North six feet for an east/west alley adjoining, Block 25, Everett's Addition, City of Council Bluffs, Pottawattamie County, Iowa is hereby granted and shall become effective upon Avalos Construction, LLC purchasing the subject property.

ADOPTED  
AND  
APPROVED:

January 9, 2023.

\_\_\_\_\_  
MATTHEW J. WALSH Mayor

ATTEST:

\_\_\_\_\_  
JODI QUAKENBUSH City Clerk

STATE OF IOWA    )  
COUNTY OF        )ss  
POTTAWATTAMIE)

On this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me the undersigned, a Notary Public in and for said County and said State, personally appeared Matthew J. Walsh and Jodi Quakenbush, to me personally known, who, being by me duly sworn, did say that they are the Mayor and City Clerk respectively, of the said City of Council Bluffs, Iowa, a Municipal Corporation, that the seal affixed hereto is the seal of said Municipal Corporation; that said instrument was signed and sealed on behalf of the said City of Council Bluffs, Iowa, by authority of its City Council; and that said Matthew J. Walsh and said Jodi Quakenbush, as such officers, acknowledged the execution of said instrument to be the voluntary act and deed of said City, by it and by them voluntarily executed.

\_\_\_\_\_  
Notary Public in and for said State

## Council Communication

Department: Legal  
Case/Project No.:  
Submitted by:

Resolution 23-14  
ITEM 5.F.

Council Action: 1/9/2023

### Description

Resolution authorizing the City Legal Department to proceed as proposed in executive session held January 9, 2023.

### Background/Discussion

This matter is to be discussed in Executive Session scheduled for January 9, 2023.

### Recommendation

Approval is recommended.

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Resolution 23-14</a>	Resolution	1/4/2023

**RESOLUTION NO. 23-14**

**A RESOLUTION AUTHORIZING THE CITY LEGAL DEPARTMENT TO PROCEED  
AS PROPOSED IN EXECUTIVE SESSION HELD ON JANUARY 9, 2023.**

**WHEREAS,** the City's legal department has been in discussions regarding certain pending litigation; and

**WHEREAS,** direction and parameters were provided to the City's legal department at the City Council's Executive Session held on January 9, 2023; and

**WHEREAS,** the City's legal department has come to an agreement within the parameters discussed during said Executive Session; and

**WHEREAS,** it is in the best interest of the City of Council Bluffs to resolve this matter.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City's legal department is hereby authorized to proceed forward with the discussed course of action regarding the matter.

ADOPTED  
AND  
APPROVED

January 9, 2023.

\_\_\_\_\_  
MATTHEW J. WALSH

\_\_\_\_\_  
Mayor

Attest:

\_\_\_\_\_  
JODI QUAKENBUSH

\_\_\_\_\_  
City Clerk

## Council Communication

Department: City Clerk  
Case/Project No.:  
Submitted by:

Liquor Licenses  
ITEM 6.A.

Council Action: 1/9/2023

Description
<ol style="list-style-type: none"><li>1. AMC Theatres Council Bluffs 17, 3220 23rd Avenue</li><li>2. Andrews Lounge, 1210 N 25th Street</li><li>3. Driftwood Inn, 2701 Harry Langdon Blvd</li><li>4. The Grass Wagon, 110 S 29th Street</li><li>5. Hampton Inn @ Ameristar, 2204 River Road</li><li>6. Holiday Inn Express &amp; Suites, 2211 S 32nd Street</li><li>7. I 80 Liquor 2411 S 24th Street, #1</li><li>8. Kwik Shop #527, 3632 Avenue G</li><li>9. Pottawattamie Arts, Culture &amp; Entertainment (PACE), 1001 S 6th Street</li><li>10. Whistle's Pub &amp; Grub, 807 S 21st Street</li></ol>

Background/Discussion
<p>Andrew's Lounge had the two listed alcohol related incidents/arrests this licensing period. The other businesses had none.</p> <p><b>Andrew's Lounge</b> 02-24-22—At 9:43 pm, officers were sent to Andrew's Lounge for a physical disturbance between two men. Both men left prior to the arrival of officers. 03-26-22—At 3:20 pm, officers were dispatched to Andrew's Lounge for a disturbance involving 6 people. Everyone left prior to the arrival of officers.</p>

Recommendation

### ATTACHMENTS:

Description	Type	Upload Date
<a href="#">Liquor Licenses, 01.9.23</a>	Other	1/4/2023

Class C Retail Alcohol License

Application Type Renewal	Tentative Effective Date 2023-03-01	Tentative Expiration Date 2024-02-29	Application Status ? Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name American Multi-Cinema, Inc.

<input checked="" type="checkbox"/> RENEWAL		<input type="checkbox"/> SPECIAL EVENT	
POLICE	Local Amt		
FIRE	Endorsed		
BUILDING	Issued		
ZONING	Expires		
		Council	1-9-23



Andrews Lounge- LC0007974  
Premise Street : 1210 N. 25th Street  
Class C Retail Alcohol License

Application Number : App-172160

Application Type Renewal	Tentative Effective Date 2023-01-21	Tentative Expiration Date 2024-01-20	Application Status ? Pending Dramshop Review
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Andrews Lounge, Inc.

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>an</u>	Local Amt	
FIRE <u>AF</u>	Endorsed	
BUILDING <u>ADS</u>	Issued	
ZONING <u>ADS</u>	Expires	
	Council	<u>1.9.23</u>

Driftwood Inn- LC0033025

Premise Street : 2701 Harry Langdon Blvd

Class C Retail Alcohol License

Application Number : App-172425

Application Type  
Renewal

Tentative Effective Date  
2023-02-12

Tentative Expiration Date  
2024-02-11

Application Status ?  
Pending Dramshop Review

License Length  
12 Month

Local Authority  
City of Council Bluffs

Dramshop

Corporation Name  
Lenihan, Inc.

<input checked="" type="checkbox"/> RENEWAL		<input type="checkbox"/> SPECIAL EVENT	
POLICE	<u>Cv</u>	Local Amt	_____
FIRE	<u>AP</u>	Endorsed	_____
BUILDING	<u>JS</u>	Issued	_____
ZONING	<u>DS</u>	Expires	_____
		Council	<u>1.9.23</u>

The Grass Wagon- LC0043104

Premise Street : 110 S 29th St

Class C Retail Alcohol License

Application Number : App-172251

Application Type Renewal	Tentative Effective Date 2023-01-14	Tentative Expiration Date 2024-01-13	Application Status ? Pending Dramshop Review
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name The Grass Wagon LLC

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>on</u>	Local Amt	
FIRE <u>AF</u>	Endorsed	
BUILDING <u>JS</u>	Issued	
ZONING <u>JS</u>	Expires	
	Council	<u>1.9.23</u>

Hampton Inn @ Ameristar- BW0092560

Premise Street : 2204 River Rd.

Special Class C Retail Alcohol License

Application Number : App-172080

Application Type

Renewal

Tentative Effective Date

2023-02-20

Tentative Expiration Date

2024-02-19

Application Status ?

Submitted to Local Authority

License Length

12 Month

Local Authority

City of Council Bluffs

Dramshop

Corporation Name

Kinseth Hotel Corporation

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>du</u>	Local Amt	
FIRE <u>AF</u>	Endorsed	
BUILDING <u>JS</u>	Issued	
ZONING <u>JS</u>	Expires	
	Council	<u>1.9.23</u>

Holiday Inn Express & Suites- BW0095386

Premise Street : 2211 S. 32nd Street

Special Class C Retail Alcohol License

Application Number : App-172157

Application Type	Tentative Effective Date	Tentative Expiration Date	Application Status ?
Renewal	2023-02-15	2024-02-14	Pending Dramshop Review
License Length	Local Authority	Dramshop	Corporation Name
12 Month	City of Council Bluffs		Council Bluffs Hotel Group, LLC

<input checked="" type="checkbox"/> RENEW	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>  P  </u>	Local Amt	
FIRE <u>  FF  </u>	Endorsed	
BUILDING <u>  CJS  </u>	Issued	
ZONING <u>  CJS  </u>	Expires	
	Council	<u>  1.9.23  </u>

I 80 Liquor - LE0001756

Premise Street : 2411 S 24th Street #1

Application Number : App-171860

Class E Retail Alcohol License

Application Type  
Renewal

Tentative Effective Date  
2023-02-01

Tentative Expiration Date  
2024-01-31

Application Status ?  
Submitted to Local Authority

License Length  
12 Month

Local Authority  
City of Council Bluffs

Dramshop

Corporation Name  
J & R Liquor LLC

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cr</u>	Local Amt	
FIRE <u>AF</u>	Endorsed	
BUILDING <u>JS</u>	Issued	
ZONING <u>CD</u>	Expires	
	Council	<u>1.9.23</u>

Kwik Shop #527-LE0002073

Premise Street : 3632 Avenue G

Class E Retail Alcohol License

Application Number : App-172293

Application Type Renewal	Tentative Effective Date 2023-02-01	Tentative Expiration Date 2024-01-31	Application Status ? Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Kwik Shop, Inc.

<input checked="" type="checkbox"/> RENEWAL NEW LS SPECIAL EVENT	
POLICE <u>en</u>	Local Amt _____
FIRE <u>AF</u>	Endorsed _____
BUILDING <u>JS</u>	Issued _____
ZONING <u>CS</u>	Expires _____
	Council <u>1.9.23</u>

Class C Retail Alcohol License

Application Type Renewal	Tentative Effective Date 2023-01-15	Tentative Expiration Date 2024-01-14	Application Status ? Pending Dramshop Review
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name Bluffs Arts Council

<input checked="" type="checkbox"/> RENEWAL	<input type="checkbox"/> NEW	<input type="checkbox"/> SPECIAL EVENT
POLICE <u>cr</u>	Local Amt	
FIRE <u>At</u>	Endorsed	
BUILDING <u>CS</u>	Issued	
ZONING <u>CS</u>	Expires	
	Council	<u>1.9.23</u>



Whistle's Pub & Grub- LC0047877

Premise Street : 807 South 21st Street

Application Number : App-171850

Class C Retail Alcohol License

Application Type Renewal	Tentative Effective Date 2023-01-11	Tentative Expiration Date 2024-01-10	Application Status ? Submitted to Local Authority
License Length 12 Month	Local Authority City of Council Bluffs	Dramshop	Corporation Name JELLBREE LLC

<input checked="" type="checkbox"/> RENEW		SPECIAL EVENT	
POLICE	<i>du</i>	Local Amt	
FIRE	<i>AF</i>	Endorsed	
BUILDING	<i>JS</i>	Issued	
ZONING	<i>JS</i>	Expires	
		Council	<i>1.9.23</i>

## Council Communication

Department: City Clerk

Case/Project No.:

Submitted by:

Salvage/Storage Yard License Applications

ITEM 6.B.

Council Action: 1/9/2023

### Description

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description

[Salvage/Storage Yard Applications, 1.9.23](#)

Type

Other

Upload Date

1/4/2023



City of Council Bluffs  
Clerk's Office  
209 Pearl Street, Ste 102  
Council Bluffs, IA 51503  
712-890-5261

## Salvage/Storage Yard License Application

Date 12/14/2022

Business Name: Arrow Towing, Inc.  
Business Address: 605 S 15th Street, Council Bluffs, IA 51501  
Business Phone: 712-323-7907

Mark one: Salvage Yard \_\_\_\_\_ Storage Yard X

Owners Name: BJA Investments Phone: 712-308-2108  
Address: 20356 Concord Loop City: Council Bluffs State: IA Zip Code: 51503  
Type of Business: \_\_\_\_\_ Firm \_\_\_\_\_ If Corporation, List Officers: Bradley Arrowsmith, Owner  
\_\_\_\_\_ Partnership \_\_\_\_\_  
X Corporation \_\_\_\_\_

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: EVERETTS ADD LTS 1 THRU 4 BLK 27

Parcel Number: 754435264010

Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 23,000

Will Retail Sales Be Made On Premises? \_\_\_\_\_ Yes X No

Nature and Type of Salvage Equipment: Storage of vehicles towed in from CBPD impounds, accidents, owner's requests, all law enforcement that Arrow Towing works with

What Is Zoning At This Location? I-2

Has Conditional Use Been Granted Under City Ordinance? X Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable

If Yes, Give Date: 2015 If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_

I, Bradley J Arrowsmith, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Signature of Applicant

Fee must accompany application - renewal fee same price as original fee

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

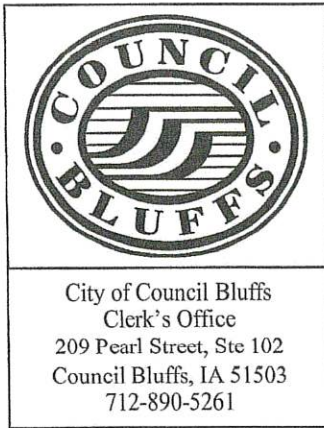
Date Application Received: 12.29.22

City Council Date: 1.9.23

Date License Issued: \_\_\_\_\_

Building Approval: JS

Fire Approval: AF



## Salvage/Storage Yard License Application

Date 12/14/2022

Business Name: Arrow Towing, Inc.  
Business Address: 1505 10th Avenue, Council Bluffs, IA 51501  
Business Phone: 712-323-7907

Mark one: Salvage Yard \_\_\_\_\_ Storage Yard X

Owners Name: BJA Investments Phone: 712-308-2108  
Address: 20356 Concord Loop City: Council Bluffs State: IA Zip Code: 51503  
Type of Business: \_\_\_\_\_ Firm \_\_\_\_\_ If Corporation, List Officers: Bradley Arrowsmith, Owner  
\_\_\_\_\_ Partnership \_\_\_\_\_  
X Corporation \_\_\_\_\_

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: FLEMING & DAVIS LTS 9 THRU 24 BLK 10 & ALL VAC E/W ALLEY ADJ LTS  
9 THRU 16 & S1/2 VAC E/W ALLEY ADJ LTS 17 THRU 24

Parcel Number: 754435411006

Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 46,100

Will Retail Sales Be Made On Premises? \_\_\_\_\_ Yes X No

Nature and Type of Salvage Equipment: Storage of vehicles towed in from CBPD impounds, accidents,  
owner's requests, all law enforcement that Arrow Towing works with

What Is Zoning At This Location? I-2

Has Conditional Use Been Granted Under City Ordinance? X Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable

If Yes, Give Date: 2020 If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_

I, Bradley J Arrowsmith, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Signature of Applicant

Fee must accompany application - renewal fee same price as original fee

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

Date Application Received: 12.29.22

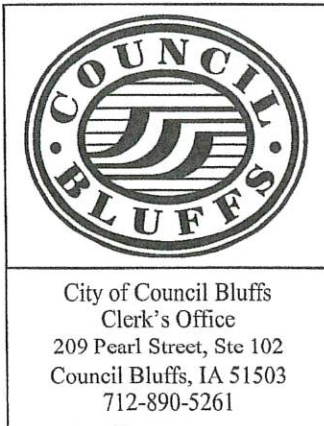
City Council Date: 1.9.23

Date License Issued: \_\_\_\_\_

Building Approval: JS

Fire Approval: AF





## Salvage/Storage Yard License Application

Date 12/14/2022

Business Name: Arrow Towing, Inc.  
Business Address: 505 S 15th Street, Council Bluffs, IA 51501  
Business Phone: 712-323-7907

Mark one: Salvage Yard ☐ Storage Yard ☒

Owners Name: BJA Investments Phone: 712-308-2108  
Address: 20356 Concord Loop City: Council Bluffs State: IA Zip Code: 51503  
Type of Business: ☐ Firm ☐ Partnership ☒ Corporation  
If Corporation, List Officers: Bradley Arrowsmith, Owner

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: EVERETTS ADD LTS 1 THRU 4 & LT 10 BLK 20 N OF UNION AVE & E18' VAC S 15TH ST ADJ LTS 1 & 10

Parcel Number: 754435258001

Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 12,000

Will Retail Sales Be Made On Premises? ☐ Yes ☒ No

Nature and Type of Salvage Equipment: Storage of vehicles towed in from CBPD impounds, accidents, owner's requests, all law enforcement that Arrow Towing works with

What Is Zoning At This Location? I-2

Has Conditional Use Been Granted Under City Ordinance? ☒ Yes ☐ No ☐ Not Applicable

If Yes, Give Date: 2007 If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_

I, Bradley J Arrowsmith, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Bradley J Arrowsmith  
Signature of Applicant

Fee must accompany application - renewal fee same price as original fee

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

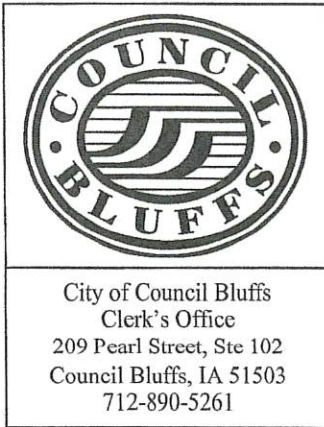
Date Application Received: 12.29.22

City Council Date: 1.9.23

Date License Issued: \_\_\_\_\_

Building Approval: JS

Fire Approval: AF



# Salvage/Storage Yard License Application

Date 12/14/2022

Business Name: Arrow Towing, Inc.  
Business Address: 1021 S 17th Street, Council Bluffs, IA 51501  
Business Phone: 712-323-7907

Mark one: Salvage Yard \_\_\_\_\_ Storage Yard X

Owners Name: BJA Investments Phone: 712-308-2108  
Address: 20356 Concord Loop City: Council Bluffs State: IA Zip Code: 51503  
Type of Business: \_\_\_\_\_ Firm \_\_\_\_\_ If Corporation, List Officers: Bradley Arrowsmith, Owner  
\_\_\_\_\_ Partnership \_\_\_\_\_  
X Corporation \_\_\_\_\_

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: FLEMING AND DAVIS LTS 13 THRU 24 BLK 11 & 1/2 VAC ALLEY ADJ

Parcel Number: 754435410006

Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 38,961

Will Retail Sales Be Made On Premises? \_\_\_\_\_ Yes X No

Nature and Type of Salvage Equipment: Storage of vehicles towed in from CBPD impounds, accidents, owner's requests, all law enforcement that Arrow Towing works with

What Is Zoning At This Location? I-2

Has Conditional Use Been Granted Under City Ordinance? X Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable

If Yes, Give Date: 2019 If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_

I, Bradley J Arrowsmith, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Bradley J Arrowsmith  
Signature of Applicant

Fee must accompany application - renewal fee same price as original fee

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

## FOR OFFICE USE ONLY:

Date Application Received: 12.29.22

City Council Date: 1-9-23

Date License Issued: \_\_\_\_\_

Building Approval: JS

Fire Approval: AF





City of Council Bluffs  
Clerk's Office  
209 Pearl Street, Ste 102  
Council Bluffs, IA 51503  
712-890-5261

## Salvage/Storage Yard License Application

Date: 12/9/2022

Business Name: Controlled Materials and Equipment Transportation DBA (CMET)

Business Address: 1201 S. 6th St, Council Bluffs, IA 51501

Business Phone: 402-306-8049

Mark one: Salvage Yard X Storage Yard \_\_\_\_\_

Owners Name: GLG-JLG, LLC Phone: 402-306-8049  
Address: 1201 S. 6th St City: Council Bluffs State: IA Zip Code: 51501  
Type of Business: \_\_\_\_\_ Firm \_\_\_\_\_ If Corporation, List Officers: Jeff Griffiths, President  
Partnership \_\_\_\_\_  
X Corporation \_\_\_\_\_

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: Please see attached legal description

Parcel Number: 754436379001

Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 43,560 SF  
Will Retail Sales Be Made On Premises? \_\_\_\_\_ Yes X No 1.0 Acre

Nature and Type of Salvage Equipment: \_\_\_\_\_

Construction

What Is Zoning At This Location? \_\_\_\_\_

Has Conditional Use Been Granted Under City Ordinance? \_\_\_\_\_ Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable

If Yes, Give Date: \_\_\_\_\_ If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_

I, Laura Fisher, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Laura Fisher

Signature of Applicant

Fee must accompany application - renewal fee same price as original fee

0 - 5,000 sq. ft. - \$50.00 5,001 - 10,000 sq. ft. - \$100.00 10,001 - 20,000 sq. ft. - \$150.00 20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

Date Application Received: 12-28-22

City Council Date: 1-9-23

Date License Issued: \_\_\_\_\_

Building Approval: JS

Fire Approval: AF



City of Council Bluffs  
Clerk's Office  
209 Pearl Street, Ste 102  
Council Bluffs, IA 51503  
712-890-5261

## Salvage/Storage Yard License Application

Date: 12/9/2022

Business Name: Controlled Materials and Equipment Transportation  
D/B/A CMET  
Business Address: 1201 S. 6th St, Council Bluffs, IA 51501  
Business Phone: 402-306-8049

Mark one: Salvage Yard ☒ Storage Yard ☐

Owners Name: J-J Contracting, Inc Phone: 402-306-8049  
Address: 1129 9th Ave City: Council Bluffs State: IA Zip Code: 51501  
Type of Business: ☐ Firm If Corporation, List Officers: Jeff Griffin, President  
☐ Partnership  
☒ Corporation

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: Please See attached legal description

Parcel Number: 7544354.31002  
Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 103,237 SF  
Will Retail Sales Be Made On Premises? ☐ Yes ☒ No 2.37 Acres  
Nature and Type of Salvage Equipment: Construction

What Is Zoning At This Location? \_\_\_\_\_  
Has Conditional Use Been Granted Under City Ordinance? ☐ Yes ☐ No ☐ Not Applicable  
If Yes, Give Date: \_\_\_\_\_ If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_  
I, Laura Fisher, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Laura Fisher  
Signature of Applicant

**Fee must accompany application - renewal fee same price as original fee**

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

Date Application Received: 12.28.22  
City Council Date: 1.9.23  
Date License Issued: \_\_\_\_\_

Building Approval: JS  
Fire Approval: AF





City of Council Bluffs  
Clerk's Office  
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712-890-5261

## Salvage/Storage Yard License Application

Date: 12-28-2022

Business Name: Jim's Hauling  
Business Address: 2517 South Ave  
Business Phone: 402-689-2443

Mark one: Salvage Yard X Storage Yard \_\_\_\_\_

Owners Name: Jim Hall Phone: 402-689-2443  
Address: 19798 Myrtle Springs Rd City: Council Bluffs State: IA Zip Code: 51503  
Type of Business: \_\_\_\_\_ Firm \_\_\_\_\_ If Corporation, List Officers: Sole Proprietor  
\_\_\_\_\_ Partnership \_\_\_\_\_  
\_\_\_\_\_ Corporation \_\_\_\_\_

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: Plat W 1/2 SW 1/4 6-74-43 Comm 143' S of NW Cor U53  
Linda Loma Add THSE 331.98' E 22 SE 1983.22'

Parcel Number: \_\_\_\_\_

Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): \_\_\_\_\_

Will Retail Sales Be Made On Premises? \_\_\_\_\_ Yes \_\_\_\_\_ No

Nature and Type of Salvage Equipment: \_\_\_\_\_

What Is Zoning At This Location? I-2

Has Conditional Use Been Granted Under City Ordinance? X Yes \_\_\_\_\_ No \_\_\_\_\_ Not Applicable

If Yes, Give Date: 9-29-11 If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_

I, Jim Hall, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Jim Hall

Signature of Applicant

**Fee must accompany application - renewal fee same price as original fee**

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

Date Application Received: 12.29.22

City Council Date: 1.9.23

Date License Issued: \_\_\_\_\_

Building Approval: \_\_\_\_\_

Fire Approval AF



City of Council Bluffs  
Clerk's Office  
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Council Bluffs, IA 51503  
712-890-5261

## Salvage/Storage Yard License Application

Date: 12-27-22

Business Name: Steve's Salvage LLC  
Business Address: 1320 Ave J  
Business Phone: 402-305-4730

Mark one: Salvage Yard X Storage Yard \_\_\_\_\_

Owners Name: Steve Penny Phone: 402-305-4730  
Address: 1025 N 14th St City: Council Bluffs State: IA Zip Code: 51501  
Type of Business: \_\_\_\_\_ Firm \_\_\_\_\_ If Corporation, List Officers: Steve Penny  
\_\_\_\_\_ Partnership \_\_\_\_\_  
X Corporation \_\_\_\_\_

Note: If foreign corporation, proof must be attached showing capability of doing business in Iowa

Legal Description of the Property: Potter Cobbs Fuist addition lots  
11-thru-16 Block B  
Parcel Number: 754426282008  
Total Area (Square Feet) Available for Business Location (fenced-in areas inclusive of any buildings): 31460  
Will Retail Sales Be Made On Premises? \_\_\_\_\_ Yes X No \_\_\_\_\_  
Nature and Type of Salvage Equipment: Cars & Trucks for Salvage Recycling

What Is Zoning At This Location? Industrial  
Has Conditional Use Been Granted Under City Ordinance? \_\_\_\_\_ Yes \_\_\_\_\_ No X Not Applicable  
If Yes, Give Date: \_\_\_\_\_ If No, Give Date For Zoning Board Of Adjustment Consideration: \_\_\_\_\_  
I, Steve Penny, do hereby affirm that all of the above information is true and correct to the best of my knowledge.

Steve Penny  
Signature of Applicant

Fee must accompany application - renewal fee same price as original fee

0 - 5,000 sq. ft. - \$50.00    5,001 - 10,000 sq. ft. - \$100.00    10,001 - 20,000 sq. ft. - \$150.00    20,001+ sq. ft. - \$200.00

### FOR OFFICE USE ONLY:

Date Application Received: 12.29.22  
City Council Date: 1.9.23  
Date License Issued: \_\_\_\_\_

Building Approval: JS  
Fire Approval: AF

## Council Communication

Department: City Clerk

Case/Project No.:

Submitted by:

Request to waive fees by Pottawattamie County  
ITEM 7.A.

Council Action: 1/9/2023

### Description

### Background/Discussion

### Recommendation

### ATTACHMENTS:

Description

[Letter](#)

Type

Letter

Upload Date

1/3/2023

CLERK RCVJ  
14 DEC 22  
PM 2:57

12/14/22

Council Bluffs City Council:

The Pottawattamie County Board of Supervisors is requesting consideration for building permit fees to be waived for the new Pottawattamie County Secondary Roads building.

We have been communicating with Mayor Walsh over the past month regarding the process for this request and are sending this letter based on his recommendation. According to City Code 2.08.030 Waiver of Fees, "The fees contained in the schedule and those authorized by other provisions of this municipal code may be waived by resolution of the city council if it is determined to be in the best interests of the City of Council Bluffs. In addition to this waiver authority of the city council, the mayor may waive parking meter hood fees set out in Section 2.08.060 herein, if he/she determines such a waiver to be in the best interests of the city."

The waiver of the building permit fees would provide a benefit to the taxpayers of Council Bluffs and Pottawattamie County, and we respectfully ask for your consideration of this request.

Respectfully,



Tim Wichman, Chairman  
Pottawattamie County Board of Supervisors